

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Civil Writ Petition No.18588 of 2011 (O&M)

Date of decision: 9.2.2016

Lakhwinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sunil Agnihotri, Advocate,
for the petitioner.

Mr.Inqulab Nagpal, AAG, Punjab.

Mr.Lalit Thakur, Advocate,
for respondent No.4.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

Indisputably, the petitioner competed for the post of Assistant Systems Manager and was placed in the waiting list. He was called to produce his original testimonials for verification which had been produced at the time of the application form in photocopies/attested copies. The dispute is whether the petitioner has produced the documents when he was asked to do so. The petitioner asserts in para. 7 of the petition filed in 2011 that he made a representation to the respondents regarding the complete facts but he did not get any response. He admits that he received letter dated

19.4.2011 calling him to appear with original documents. Neither in para. 7 nor in any other para has the petitioner disclosed the date of the representation nor has annexed a copy of the same except mentioning in para. 10 that he filed a representation on 29.7.2011. Even if that is taken to be true and the averments made in para. 7 that the documents were supplied within the stipulated time, no evidence has been placed to substantiate the plea.

A perusal of the letter dated 19.4.2011 [P-1] shows that one week was granted to the petitioner to submit the original of the three years Diploma of Computer Programmer Application without which the candidature of the petitioner will not be considered. He was warned that if the original certificates are not supplied, then his candidature would be cancelled. In the face of Annexure P-1, the averments in the petition and particularly in para. 7 and 10 are found inadequate in their material particulars. No date has been mentioned of the visit by the petitioner to the venue where the verification was to be done or as to whom he met and on what date. In the absence of details in the petition, I do not think it will be safe to rely on those averments and treat them as the gospel truth without establishing as a pure fact as to what transpired on 19.4.2011 and a week thereafter. It is not possible to resolve this seriously disputed question of fact in the writ jurisdiction and the petitioner would remain free to establish it with proof and evidence in a civil suit.

Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

February 9, 2016

