

CWP No.14203 of 2015 (O&M)

#1# Manoj Kumar  
2016.12.16 10:22  
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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No.14203 of 2015 (O&M)  
Date of decision: 05.08.2016

Harpreet kaur

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. R.K. Arora, Advocate for the petitioner.

Mz. Puneet Kaur Sekhon, Addl.A.G, Punjab.

**Jaswant Singh, J**

**CM No.9149 of 2016**

Application is allowed. Replication to written statement  
on behalf of respondent Nos.1 to 3 is taken on record.

**Main case**

Petitioner, who was working as ETT Teacher with the Education Department, Punjab has filed this writ petition seeking a writ of Certiorari for quashing the impugned order dated 22.10.2014 (P.22) passed by respondent No.2/DPI (EE), Punjab declining her claim for reinstatement and affirming termination order dated 22.10.2009 (P.6) passed by respondent No.3/District Education Officer (EE), Barnala.

It is contended by learned counsel for the petitioner that the termination order is passed by respondent No.3 on account of the allegations that the experience certificate produced by the petitioner for the period 03.10.1996 to 30.3.1997 is not proved to be genuine, however, it is a matter of record that the petitioner was not awarded any benefit of experience for the aforesaid

period for selection to the post of Teaching Fellows.

On the other hand, learned counsel for the respondent-State has contended that the experience certificate submitted by the petitioner was not found to be genuine by the Committee therefore she has rightly been terminated from service and respondent No.2 has rightly affirmed the order.

Heard learned counsel for the parties and perused the paper book with their able assistance.

A perusal of termination order dated 22.10.2009 (P.6) reveals that as per the report of the Committee, the Experience Certificate of the petitioner for the period from 30.4.1996 to 30.3.1997 pertaining to Govt. Sr. Secondary School, Kuthala has been shown as bogus; whereas the close examination of the observations/report of the committee (R.2) discloses the period of Experience Certificate of the petitioner to be from 03.10.1996 to 10.3.1997 i.e less than six months and the operative part of the report reads as under:

*“The meeting of the committee which constituted by the Government was held on 03.9.2013 to examine the record pertaining to the representations of candidates. The offices of District Education Officer (Elementary Education) presented the record related to the candidates. The record was examined thoroughly. The experience certificate of this candidate was declared bogus by the enquiry officer on the basis of the preliminary inquiry as there was no record. Except this the candidate along with her representation submit the attendance register from march 1996 to 1997, enrollment register of class 8<sup>th</sup> pertaining to February 1997 and photo copies of*

*group photo of class 10<sup>th</sup> for the session 1996-97. There are only signatures on the record pertaining to the attendance. There is no arrival and departure time. Moreover, the signature on the enrollment register did not match with the signature of attendance register. Remaining proofs did not clarify the remaining period. Smt.Mandeep Kaur, Science Mistress of the concerned school presented the record on 11.12.2009 before the first committee, which did not consist of record pertaining to the salary. There were only signature on the attendance register, however, there was no arrival and departure time. Hence, in this way the experience certificate for the period of 03.10.1996 to 10.3.1997 from Government Sr. Secondary School, Kuthala District Sangrur was found fake. Hence this committee has concluded in view of the facts that the experience certificate cannot be considered genuine.”*

Thus, the allegation as contained in the impugned termination order while taking the period of Experience of the petitioner as bogus from 30.4.1996 to 30.3.1997 is not proved rather the same is contradictory in both the impugned orders, as respondent No.3/DEO has taken the period of experience to be not genuine as 30.4.1996 to 30.3.1997 whereas respondent No.2/DPI has considered the period as 3.10.1996 to 30.3.1997. Still further, a perusal of the proforma of Evaluation Committee (P.3) reveals that the petitioner was awarded seven marks for the experience and as per the Advertisement, maximum seven marks could be awarded and one mark for each complete year is to be awarded and no mark shall be awarded for an experience of less

than six months.

Undisputedly, the countersigned and valid experience of the petitioner is shown to be eight years, eleven years and five days and invalid experience of the petitioner is shown as five months and eight days. Therefore, even if the period of five months and eight days (30.10.1996 to 10.3.1997) is excluded then also the petitioner has rightly been awarded the seven marks for a valid experience of more than eight years. Moreover, there is no evidence on record to prove that this period of five months and eight days (3.10.1996 to 10.3.1997) was taken into consideration while granting the seven marks to the petitioner at the time of her selection. Rather, the petitioner has specifically made averment in para 5 of the writ petition to the following effect:

*“However, her experience certificate dated 26.11.99 for the period 03.10.1996 to 10.3.1997 (5 months and 8 days) was not taken into consideration while calculating her merit and the same was ignored on the ground that the said certificate is not countersigned by the District Education Officer and the petitioner was allowed merit marks for her remaining experience by excluding her experience of 5 months 8 days from Govt. Sr. Sec. School, Kothala from 03.10.1996 to 10.3.1997.”*

This factual aspect has not been controverted by the respondents in their reply.

As a sequel of aforesaid discussion, present petition is allowed and the impugned order dated 22.10.2014 (P.22) passed by respondent No.2/DPI (EE), Punjab and the order dated 22.10.2009 (P.6) passed by respondent No.3/DEO (EE), Barnala

are set aside and the petitioner is ordered to be reinstated in service with all consequential benefits flowing therefrom. Needful shall be done within one month of receipt of the certified copy of the order.

**August 05, 2016**  
**manoj**

**( JASWANT SINGH )**  
**JUDGE**