

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

Date of decision:09/08/2016

Gurbax Singh

.....Petitioner

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Randip Singh Rana,Advocate for the petitioner.

Jaswant Singh,J(Oral)

Petitioner was an aspirant for the post of Punjabi Master in the category of Scheduled Caste (M&B)/Ex-serviceman (Dependent) against the post advertised on 23.9.2009. The claim of the petitioner was considered in the category of SC(M&B) and the merit of the petitioner was determined on the basis of his marks assessed as 43.54 whereas the last candidate in that category secured 55.26 marks.

Grievance of the petitioner is that he was entitled to be considered in the Ex-serviceman (Dependent)Category on the basis of his certificate dated 4.6.1993.

A speaking order dated 15.7.2013 **(P-12)** declining the relief claimed by the petitioner was passed, which has now been impugned in the present writ petition.

After hearing the learned counsel for the petitioner, no case for interference is made out.

Concededly petitioner secured the subsequent lineal dependent certificate dated 17.11.2009 after the expiry of the last date of submission of application i.e. 9.10.2009. Thus, his claim in the category of Ex-serviceman (Dependent) was rightly not considered on the basis of his alleged similar certificate dated 4.6.1993, as the requirement in terms of the advertisement was to furnish certificate of descendant/dependent before the Counselling officer and it should have been issued prior to applying/submitting online.

As regards the similar certificate dated 4.6.1993, it is case of the petitioner himself that it could not be older than one year from the last date of

submission of the application. At the time of hearing, learned counsel could not dispute the position that such a certificate is required to renewed/authenticated periodically which renewal/authentication was got done only after the expiry of last date of submission of online application i.e. 9.10.2009. Thus on the first date of counselling i.e. 5.1.2009, when the petitioner was required to produce certificates, he produced the dependent certificate dated 4.6.1993, which could not be taken into consideration as it was more than 15 years old, whereas it could not be more than one year old from the last date of online application. At the time of second counselling i.e. 7.7.2011, the petitioner produced subsequent dependent certificate dated 17.11.2009, which was also correctly rejected as it was obtained after the last date of online application. It is well settled that applicant must possess requisite qualification/valid testimonials prior to last date of submission of application so as to be eligible for the post applied for.

Apart from the petition being devoid of any merits, even on the ground of more than 3 years of delay, no interference would be warranted. Accordingly, the present writ petition is dismissed with costs of Rs.5000/- (Rupees five thousand only) to be deposited with District Legal Service Authority, Ludhiana within two months from today, failing which the same shall be recovered as arrears of land revenue.

A copy of this order be sent to the Member Secretary, District Legal Service Authority, Ludhiana for strict compliance.

09.08.2016
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No