

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

**CWP No.18299 of 2014
Date of decision: 22.12.2016**

Suraj Parkash

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Ms. Arti, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Punjab
for the respondents -State.

Daya Chaudhary, J.

The prayer in the present writ petition is for issuance of a direction to the respondents to declare the petitioner eligible for being recruited to the post of Head Master on contract basis under the scheme of Rashtriya Madhyamik Shiksha Abhiyan Authority of Government of India and Government of Punjab in pursuance of advertisement dated 01.10.2013 as the petitioner was declared ineligible and was not called for interview in spite of removing the objections raised by respondent No.2. The claim of the petitioner was rejected on the ground that the petitioner had passed Bachelor of Arts Degree from Vishwa Bharti University, Raipur, Chhatisgarh and Bachelor of Education Degree from Chhatrapati Shahu Ji Maharaj University, Kanpur. A further prayer has also been made for issuance of a direction to the respondents to quash the objections raised by the respondents.

Briefly, the facts of the case as made out in the present writ petition are that online applications were invited by the Department of School Education-cum-Recruitment Board, Punjab for recruitment of 264 Head Master and 764 subject wise teachers on contract basis under the scheme of Rashtriya Madhyamik Shiksha Abhiyan Authority of Government of India and Government of Punjab for 264 schools, which were upgraded from middle to high on morning pattern. Petitioner applied online for the post of Head Master against advertisement dated 01.10.2013. Thereafter, a public notice was issued by respondent No.2 inviting the candidates to remove their objections, which were uploaded on the website of the department. Objections were removed by the petitioner on 14.03.2014. Eligible candidates were called for interview from 29.05.2014 to 02.06.2014 but the petitioner was kept in the list of ineligible candidates with the remarks that he had passed BA from Vishwa Bharti University, Raipur, Chhatisgarh and did not produce DMC of B.Ed. and original degree thereof. Petitioner made a representation along with documents to respondent No.2 to consider him eligible. Thereafter, again on 05.08.2014, a public notice was published mentioning qualifications of those candidates, who produced the degrees/certificates from other than State of Punjab. Petitioner also submitted his degree in pursuance of said public notice in the performa as prescribed. Again a public notice was issued on 20.08.2012 and details regarding qualification of those candidates were demanded, who had applied for recruitment of Headmaster and had produced the degree/certificate of other state outside Punjab. Eligible candidates were called for interview on 24.08.2014. It was also mentioned in the public

notice that the candidates, whose names were not uploaded on the website of the department, would be called later on for interview but the petitioner was not called as he was not considered eligible whereas the objections were removed.

The action of respondents in not calling the petitioner for interview after verification of documents and after removal of objections, has been challenged in the present writ petition.

Learned counsel for the petitioner submits that all the objections were removed and the documents were also scrutinized. The detailed mark sheet of B.Ed. Degree and other documents were supplied as required but still the petitioner was declared ineligible. Learned counsel further submits that the B.Ed. Degree of the petitioner from Chhatrapati Shahu Ji Maharaj University, Kanpur was submitted by him on 14.05.2014 but still he was not called for interview. It was the case of the petitioner that he passed Bachelor of Arts Degree from Vishwa Bharti University, Raipur, Chhatisgarh, established under Section 5 of the Chhatisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002. Learned counsel also submits that both the Universities were duly recognized by the University Grant Commission. The B.Ed. Degree mentioned in the online application form was mistakenly filled by the computer operator as the petitioner did not know how to operate the computer. Subsequently, it was explained to respondent No.2 and correct degree was shown but still he was declared ineligible. Learned counsel for the petitioner has also relied upon judgment rendered by the Rajasthan High Court in ***State of Rajasthan and another vs. Datar Singh, 2014 (3) SCT 552*** in support of her contentions.

In response to notice of motion, reply has been filed, which is on record.

Learned State counsel submits that the appointment to the post of Headmaster was on contract basis for a period of one year. The petitioner in his online application form had mentioned his degree of B.Ed. obtained from Jammu University in the year 2004 by securing 779 marks out of 1100. He has also mentioned that he had passed Post Graduation in Economics from Vinayaka Missions University, Salem, Tamil Nadu along with M.Phil (Economics) from EILLM University, Sikkim. In spite of giving opportunity to the petitioner, he did not submit any degree or detailed marks certificates of the degrees mentioned by him in the online application form. Thereafter, another degree of B.Ed. obtained from Chhatrapati Shahu Ji Maharaj University, Kanpur was produced whereby the petitioner had secured 525 marks out of 800. Learned State counsel also submits that by considering the contradictory stand of the petitioner, he was declared ineligible. A Scrutiny Committee was constituted for scrutinization of documents/certificates of the applicants and those candidates, who were possessing the requisite academic and professional qualifications prescribed for post, were declared eligible but the petitioner mentioned the qualifications, which were not possessed by him and he was declared ineligible.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the documents available on the file.

The facts relating to publication of advertisement; qualification

and process of selection are not disputed. It is also not disputed that the petitioner applied online for the post of Headmaster. The petitioner was not found eligible for the post as he had passed B.A. Degree from Vishwa Bharti University, Raipur, Chhatisgarh and did not produce photocopy of DMC of B.Ed. Degree and original thereof. In the representation, the petitioner has stated that he had passed Bachelor of Arts Degree from Vishwa Bharti University, Raipur, Chhatisgarh, which was recognized and established under Section 5 of the Chhatisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002. It was also mentioned that he has submitted his detailed mark sheet of B.Ed. degree, which was passed from Chhatrapati Shahu Ji Maharaj University, Kanpur. The stand taken by the petitioner in the representation is that in the online application form, the degree of the petitioner was wrongly mentioned by the computer operator and subsequently, it was brought to the notice of respondent No.2 but still he was not considered eligible. As per stand taken by the State, the petitioner mentioned his degree of B.Ed. obtained from Jammu University by securing 779 marks out of 1100 and he also mentioned that he had passed Post Graduation in Economics from Vinayaka Missions University, Salem, Tamil Nadu along with M.Phil (Economics) from EILLM University, Sikkim. The petitioner was asked to submit the documents mentioned in the online application. At the time of scrutiny of the documents, the petitioner produced another degree of B.Ed. obtained from Chhatrapati Shahu Ji Maharaj University, Kanpur and marks obtained were also different. Even the detailed mark certificate of the degree submitted subsequently, was not available with the petitioner.

Although all efforts have been made by the petitioner to show that online application was filled up by some other person and wrong degree was mentioned but even the degree, which was mentioned in the representation, was not produced. The documents of the petitioner could not be verified in absence thereof. The merit could have been verified only in presence of documents/degrees but the petitioner failed to submit the documents, which were mentioned in the representation. The request of the petitioner could have been accepted if the documents were available with him but the Scrutiny Committee could not ascertain the documents of the petitioner and his claim was rejected by considering him ineligible. Moreover, the period of contract was one year and the same has already expired. The judgment relied upon by learned counsel for the petitioner is not applicable to the facts and circumstances of the case.

Accordingly, there is no merit in the contentions raised by learned counsel for the petitioner and the petition being devoid of any merit is dismissed.

22.12.2016
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

√
Yes/No

Whether Reportable

√
Yes/No