

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

Date of decision:30/11/2016

Sarabjit Singh

.....Petitioner

VS

Municipal Council and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.GS Dhindsa,Advocate for the petitioner.

Mr.NK Banka,Advocate assisted by
Mr.Ranbir Singh,EO,Municipal Council,Rajpura for
respondents 1 and 3.

Mz.Sudeepti Sharma,DAG Punjab assisted by
Ms.Neelima Garg,Law Officer and Mr.Tarsem Lal,Sr.Asstt.,
Director,Local Government,Punjab

Mr.SS Sarwara,Advocate for respondent no.4.

Jaswant Singh,J(Oral)

Petitioner was a general category candidate who competed for selection, on contractual basis, against 22 Posts of Firemen with Municipal Council,Rajpura advertised vide public notice dated 28.5.2013(P-1). He having qualified the selection process was interviewed on 4.7.2013. He, however, did not fall within the zone of appointment.

By filing present writ petition, petitioner has sought quashing of all the appointed 22 Firemen appointed on contract basis. However, except Parveen Chauhan-respondent no.4, none of the other selected candidates have been impleaded, therefore at the time of previous hearing the petitioner had given up challenge to the selection and appointment of other appointed candidates except respondent no.4.

allegations is that he has forged his date of birth to be 28.7.1984 in his Matriculation Examination Certificate so as to become eligible for age stipulation as per the terms of advertisement.

Upon notice, contesting respondents 1 and 3 have filed a reply *inter alia* stating that certificates submitted by Parveen Chauhan-respondent no.4 were in the process of being verified from the authorities concerned. On the last date of hearing i.e.21.11.2016 the following order was passed:-

“Since the selected and appointed candidate-Parveen Chauhan only has been impleaded as respondent no.4, therefore, the challenge to his selection for the post of Fireman only can be entertained.

In para 8 of the writ petition, it is averred that respondent no.4-Parveen Chauhan has fabricated his date of birth to be 28.7.1984 in his Matriculation Examination Certificate of March/September 1996 (Annexure P-8) whereas as per the gazette notification of the Punjab School Education Board Matriculation Examination March,1996 (Annexure P-10) the date of birth of Parveen Chauhan is shown to be 28.7.1981. The same has been done to be come eligible in terms of age requirement.

It is apparent that a candidate who was not even 12 years old could not have undertaken the Matriculation Examination in March 1996. Even in the reply filed by the Education Board, in para 8, it is submitted that the documents of Mr.Parveen Chauhan are under the process of being checked.

None has appeared on behalf of the Municipal Council to clarify the situation.

Adjourned to 30.11.2016

To be shown in the urgent list.

Let the Executive Officer from Municipal Council,Rajpura and senior official of Director Local Government be present in Court on the date fixed by this Court.”

At the time of hearing today, learned counsel for the contesting respondents submits that upon verification it has been found that Parveen

Chauhan-respondent no.4 has fabricated his Matriculation Certificate by showing his date of birth to be 28.7.1984 instead of 28.7.1981. He further submits that his services shall be terminated by following process of law and also a criminal complaint is liable to be filed. He submits that as far as petitioner Sarabjit Singh is concerned he still does not fall within the zone of consideration for appointment against respondent no.4, however, his claim would be considered and disposed of by passing a speaking order.

Counsel for Parveen Chauhan-respondent no.4 is unable to explain as to how 12 year old could have passed his Matriculation Examination in 1996.

In view of the aforesaid stand of Municipal Council,Rajpura the counsel for the petitioner concedes that no further adjudication is required in the present writ petition.

Dismissed as infructuous.

30.11.2016
joshi

(Jaswant Singh)
Judge

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