

CWP No.22878 of 2016

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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.22878 of 2016

Date of decision: 07.11.2016

Rajiv Kumar

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. R.S. Ghuman, Advocate for the petitioner.

Jaswant Singh, J

Petitioner, who was aspirant for the post of English Master against an Advertisement dated 20.11.2015 (P.1) issued by the Punjab Education Department, prays for issuance of a writ of Mandamus directing respondent Nos.1 & 2 to consider his candidature in the Backward Class Category instead of General Category in view of Government Notification dated 12.9.2016 (P.2).

Learned counsel for the petitioner contends that the candidature of the petitioner deserves to be considered in the category of Backward Class instead of General Category in the light of the aforesaid Instructions (P.2) including his "Sunar Caste" in the list of recognized Backward Caste.

Heard learned counsel for the petitioner and perused the paper book with his able assistance.

The Government of Punjab issued an Advertisement dated 20.11.2015 for to the post of 200 English Masters/Mistress in the Education Department and the last date of receipt of on-line application was 12.12.2015.

It is an admitted position that the petitioner applied in pursuance of the Advertisement and the important note appended thereto reads as under:

"Important note:

The necessary certificates etc of the candidates regarding educational/professional Qualifications and for taking the benefit of the reservation under different-different categories like SC,BC,LDC,Sports gradation, handicap and freedom fighters and other certificates etc should have been prepared and issued before the last date of the online application i.e 12.12.2015 and certificate prepared after the last date of the application will not be acceptable."

A perusal of the Note reproduced hereinabove clearly reveals that necessary Certificate(s) pertaining to qualification(s) and for taking the benefit of reservation under different Categories like SC, BC etc should have been prepared and issued before the last date of on-line application i.e 12.12.2015 and the Certificate prepared in this respect after the last date, would not be acceptable.

Admittedly, the petitioner submitted his application form under the General Category before the last date i.e 12.12.2015 and was not entitled for any claim in any reserved category. If at all, the Government of Punjab has, by way of Notification dated 12.9.2016 (P.2) included "Sunar" Caste in State of Punjab in Backward Class and on the basis thereof the petitioner has been issued a Certificate on 4.10.2016 (P.3), still the same would not entitle the petitioner to claim any benefit of reservation in BC

Category against the post of Master advertised on 20.11.2015 in view of important Note appended in the Advertisement itself, which has been reproduced hereinabove. To make the things more clear, the Certificate has been issued to the petitioner only on 4.10.2016 and as per the requirement of Advertisement, the Certificate for claiming the benefit of reservation should have been issued before the last date of on-line application i.e 12.12.2015.

In view of the aforesaid, this court finds no merit in the present petition and the same is dismissed.

November 07, 2016
manoj

(JASWANT SINGH)
JUDGE