

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

**C.M. No. 4940 of 2016 in/and
CWP No. 25993 of 2015
Date of decision : 27.05.2016**

Reena Yadav

....Petitioner

versus

U.T. Chandigarh and another

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.S. Khurana, Advocate
for the petitioner.

Mr. Ashish Rawal, Advocate
for the respondents.

1. Whether Reporters of Local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

RITU BAHRI, J. (Oral)

C.M. No. 4940 of 2016

The application is allowed and the main case is taken up by today itself.

C.W.P No. 25993 of 2015

Petitioner has approached this Court by way of instant writ petition filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus for directing the respondents to give one opportunity for getting her documents verified to the post of TGT (Fine Arts) in pursuance to recruitment notice (P-1). Further prayers is for issuance of direction to the respondents to declare the petitioner selected and give her appointment to the post of TGT (Fine Arts).

In pursuance to recruitment notice, petitioner applied online for

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integrity of this document

the post of Mistress TGT in the subject of (Fine Arts) in OBC category. On 25.02.2015, the written examination was conducted and result of which was uploaded and the petitioner was shown in the merit list securing 114 marks out of 195 marks (P-4). Thereafter, a revised provisional merit list of candidates who had scored qualifying marks was uploaded on 27.05.2015 and the name of the petitioner was shown at Sr. No. 47 in the OBC category (P-5). Thereafter, a notice was uploaded by the respondents regarding schedule for documents verification for the post of Master/Mistress (TGT) wherein original documents were to be checked on 10.06.2015 and 11.06.2015 (P-6). However, the petitioner fell ill with pelvic inflammatory disease on 03.06.2015 and thus she was not in a position to attend the same. Thereafter, a discrepancy list was uploaded by the respondents on 17.06.2015 wherein it was mentioned that some discrepancies were pointed out by document checking committee and candidates were advised to read remark column and submit the required documents on 23.06.2015 at Govt. Model Senior Secondary School Sector 19, Chandigarh. The candidates who were absent on 10.06.2015 and 11.06.2015 were given one more opportunity to appear before the document checking committee to get their documents submitted and verified on 23.06.2015 at Govt. Model Senior Secondary School Sector 19, Chandigarh (P-7). Since the petitioner was ill she could not appear on 23.06.2015. Thereafter, on 28.07.2015 (P-8), another list was uploaded by the respondents mentioning the eligibility status for the post of TGT-Fine Arts. In the status of petitioner, she was shown absent. Petitioner immediately gave representation dated 29.07.2015 (P-10) to grant her one opportunity for document verification.

Reference has been made to medical certificate of the petitioner

dated 13.06.2015 wherein it has been mentioned that the petitioner was under treatment w.e.f 03.06.2015 to 13.06.2015 and was suffering from Pelvic Inflammatory disease (PID) and got conservative treatment and advise rest for next ten days i.e up to 23.06.2015.

Thereafter, this Court vide order dated 02.02.2016 gave liberty to the petitioner to approach the authorities on 03.02.2016 to remove discrepancies in her documents if any. Pursuant to this order, petitioner approached the authorities to remove the discrepancies and gave them her original documents but the respondents instead of declaring the result of the petitioner, have shown it to be subject to final decision of the writ petition.

Thereafter, vide order dated 11.05.2016, petitioner was again given liberty to approach the authorities to remove discrepancies in her documents if any

Learned counsel for the respondents on instructions has informed the Court that there is no discrepancy in the documents of the petitioner but contends that the medical certificate of the petitioner is forged and fabricated one and not a genuine document. Since she could not appear before the authorities on two occasions i.e on 10.06.2015, 11.06.2015, 28.07.2015, she cannot be offered appointment letter.

Heard.

The fact which is not disputed that the petitioner secured 114 marks and was shown in the merit list and thereafter, she could not appear on two occasions before the authorities for getting her documents checked, as she was ill, as is apparent from Annexure P-9.

Keeping in view the fact that the petitioner was ill earlier and now her documents have been checked by the authorities and no discrepancy

has been found in her document, her right to be appointed against OBC category cannot be rejected simply on the ground that her medical certificate is not genuine.

The writ petition is allowed and respondents are directed to issue appointment letter to the petitioner, pursuant to merit list (P-5) within a period of fifteen days from the date of receipt of certified copy of this order.

(RITU BAHRI)
JUDGE

27.05.2016
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