

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

**C.M. No. 387 of 2016 in/and**  
**CWP No. 26254 of 2015**  
**Date of decision: 18.01.2016**

Kulwinder Singh

....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

Present: Mr. Hemen Aggarwal, Advocate,  
for the applicant-petitioner.

**G.S.SANDHAWALIA, J. (Oral)**

**C.M. No. 387 of 2016**

Application for placing on record the diploma certificates as  
Annexures P-7 and P-8 is allowed, subject to all just exceptions.

The same are taken on record.

**CWP No. 26254 of 2015**

The petitioner seeks quashing of order dated 02.09.2015  
(Annexure P-6) whereby, his legal notice has been replied in which demand  
for appointment to the post of Laboratory Technician had been denied.

The case of the petitioner is that there was an advertisement  
dated 18.01.2014 for various posts including the post of a Laboratory  
Technician and the petitioner had fulfilled all the requisite qualifications.  
He had applied against the ex-serviceman quota and was placed at Sr. No. 6  
in the merit list. In the counselling, he had appeared but was not issued the  
appointment letter and, therefore, he had served a legal notice since

candidates below him had joined. In response, the impugned communication was sent that he had passed his diploma from Para Medical Council, Punjab which was not recognized by the State Board of Technical Education/Technical Body/University/AICTE.

A perusal of the advertisement would go on to show that the Diploma in Medical Lab Technology (DMLT) was to be from a recognized institute. The said diploma certificates have now been placed on record vide civil miscellaneous application as Annexures P-7 and P-8. Even a perusal of the said diplomas do not show that the Para Medical Council (Punjab) was recognized by the State Board and it is only mentioned that it was registered by the Punjab Government.

It is settled principle that the employer is to satisfy himself regarding the qualifications for the person he proposes to employee. Once the qualifications itself are in doubt and the petitioner had got a diploma from an institute which the employer does not consider as a recognized institute, therefore, the petitioner does not have the basic qualification which is necessary as per the terms of the advertisement.

In such circumstances, no fault can be found in the impugned reply whereby, the petitioner's case for appointment on the strength of the diploma from a unrecognized institute has been rejected.

Accordingly, this Court does not feel that it is a case for interference and the present writ petition is dismissed in limine.

18.01.2016  
shivani

(G.S. SANDHAWALIA)  
JUDGE