

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

**C.W.P No. 4679 of 2014
Date of decision : 24.05.2016**

Neeraj Saini

...Petitioner

versus

Guru Jambeshwar University and ors.

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Vijay Pal, Advocate
for respondent No. 1 and 2

Mr. Amrit Paul, Advocate
for respondent No. 3

Mr. Hitesh Pandit, Addl.A.G. Haryana

RITU BAHRI, J.

The petitioner is seeking issuance of writ in the nature of certiorari quashing appointment dated 06.11.2013 (P-9) of respondent No. 3 as Assistant Professor in Electronics and communications in Ex-servicemen dependant category in respondent No. 1-University.

Pursuant to advertisement (P-1), petitioner applied for the post of Assistant Professor in Electronics and Communications in Ex-Servicemen dependant category. Respondent No. 1-University vide letter dated 11.10.2013 called the petitioner on 26.10.2013 for interview. Respondent No. 3 was shown selected against the single post of Assistant Professor in Electronics and communications in Ex-servicemen dependant category and petitioner was shown at No. 1 in the waiting list (P-6).

Learned counsel for the petitioner contends that the dependent certificate of respondent No. 3 was invalid and manipulated as she is being married to public servant and is thus not entitled to be considered in the Ex-servicemen dependant category. As per dependant certificate for ex-servicemen, it is clearly provided that “it is further certified that the father/husband of the applicant is not in State Government/Central Government/PSU Employee”.

Learned counsel for respondent Nos. 1 and 2 on the other hand has referred to ***CWP No. 18110 of 2009 titled as Jai Narian Jakhar v. State of Haryana and others, decided on 19.10.2011 (R-1/1)*** wherein petitioner applied for issuance of dependent certificate of her married daughter, which was rejected by the Secretary in terms of policy/guidelines dated 11.10.2001. The Division Bench of this Court struck down the classification made by the Government of Haryana and allowed the writ petition and clause (f) of the policy dated 11.10.2001 was declared ultra vires of Article 14 of the Constitution and the clause (f) was ordered to be read as under:-

“(f) Married dependent son or married daughter of ExServicemen who does not have independent source of livelihood will also be eligible for dependent certificate”

The Rajiya Sainik Board, Haryana issued the letter to all Zila Sainik Board to comply with the above said judgment (R-1/2)

This judgment is directly applicable to the facts of the present case, as in the present case as well, petitioner is challenging the appointment of respondent No. 3 only on the ground that she has been wrongly given dependent certificate, as her husband is working as SDO.

Once the Division Bench of this Court had struck off condition

(f) mentioned above and which was further ordered to be complied with by The Rajiya Sainik Board, Haryana, the appointment of respondent No. 3 does not require any interference by this Court, as it is in accordance with the Division Bench judgment.

On merits as well, the respondent No. 3 had the excellent academic record to that of petitioner, as respondent No. 3 had done her B. Tech Degree in Electronics and Technology in 2008 from Kurukshetra University, Kurukshetra in first division with Honours and her master in Engineering Degree from one of the most prestigious Universities namely the Birla Institute of Technology and Science, Pilani in 2012 in the first division. She had passed GATE 2013 vide certificate dated 15.03.2013 (R-3/7). She did her internship at Intel Technology Private Ltd, Bangalore from 06.07.2011 to 14.12.2011 vide certificate dated 14.12.2011 (R-3/8)

The writ petition is dismissed accordingly.

(RITU BAHRI)
JUDGE

24.05.2016

G Arora