

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

CWP No.7757 of 2016

Date of decision: 26.07.2016

Bhupinder Singh

..Petitioner

Versus

Punjabi University, Patiala and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

The grievance of the petitioner in the present writ petition is that he joined Indian Army on 22.12.1990 and was discharged on 28.02.2010 from the post of Havaldar/Education Instructor. He was issued Ex-serviceman Certificate by the Competent Authority. The petitioner being Ex-serviceman applied for the post of Professional Assistant in response to advertisement published on 12.10.2012. As per advertisement, out of five posts, one post was kept reserved for Ex-serviceman candidate and four candidates applied for the post of Professional Assistant from the Ex-servicemen Category but the University did not select any out of four candidates and the post was kept vacant. The petitioner approached this Court by way of filing CWP No.27121 of 2015, which was disposed of vide order dated 23.12.2015 with a direction to the competent authority to decide the legal notice dated 09.07.2015 served by the petitioner by passing a speaking order. In response to directions issued by this Court on 23.12.2015, the claim of the petitioner has been rejected by the authorities

by passing a speaking order on 04.03.2016, which is subject matter of challenge in the present writ petition.

Learned counsel for the petitioner submits that not only the case of the petitioner but of other two candidates could have been considered by giving relaxation but his case was not considered. The petitioner was found ineligible only on the ground that he could not qualify the computer type test in English with speed of 30 words per minute. As per 'Punjab Recruitment of Ex-servicemen Rules, 1982', there can be a relaxation, which is provided to the Ex-serviceman but the same benefit has not been granted.

Heard arguments of learned counsel for the petitioner and have also perused the impugned order dated 04.03.2016 as well as other documents available on the file.

The advertisement for the post of Professional Assistant was published on 12.10.2012. The petitioner was not found eligible as he could not qualify the type test, as per requirement of the advertisement. The petitioner approached this Court by way of filing CWP No.27121 of 2015, which was disposed of on 23.12.2015 with a direction to the competent authority to decide the legal notice served by the petitioner by passing a speaking order. In response to directions issued by this Court on 23.12.2015, the claim of the petitioner has been declined by passing a speaking order on the ground that there were four candidates for the post of Professional Assistant and no candidate qualified the test of typing and all of them were found ineligible including the present petitioner. It has also been mentioned that as per advertisement, no relaxation in qualification is to

categories. The selection process has already been completed much earlier and now the petitioner cannot be considered by giving relaxation. It is not the case of the petitioner that any other candidate, like the present petitioner who could not qualify the type test, has been appointed out of total four candidates. Moreover, much time has passed as the advertisement was published in the year 2012 and request of the petitioner cannot be considered at this stage.

On perusal of impugned order, it appears that the same is well reasoned. The relaxation cannot be claimed as a matter of right as not only it was mentioned in the advertisement but it was also applicable to other similarly situated candidates.

Accordingly, there is no force in the arguments raised by learned counsel for the petitioner and the present writ petition being devoid of any merit is dismissed.

26.07.2016
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	√ Yes/No
Whether Reportable	Yes/No