

LPA No. 371 of 2016 (O&M)

Date of decision : 27.04.2016

Raj Kumar

.....Appellant

Versus

State of Punjab and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MRS. JUSTICE LISA GILL**Present: Mr. Hemen Aggarwal, Advocate
for the appellant.

Mahesh Grover, J.**C.M. No. 786 of 2016**

For reasons stated in the application and arguments addressed, the application is allowed and delay of 130 days in filing of the appeal is condoned.

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The appellant's plea for employment as Forest Guard was rejected by the respondent-State on the ground that he did not possess essential qualification of +2 from a Board duly recognised by them. The appellant, who has the certificate from the Board of Senior Secondary Education Madhya Bharat, Gwalior, claims that in the advertisement the list of the recognised boards were not given and, thus, he has been unduly denied the opportunity to employment. Besides, it is stated that the appellant had to undertake a 'walk test' and if he was not eligible, it should have been disclosed to prior to

the test. Having not done so and permitting him to participate in the walk test, it would inferentially mean acceptance of his eligibility and entitle him to appointment particularly when he was successful in the test.

We have heard learned counsel for the appellant and notice that learned Single Judge had negated the claim on the ground that the certificate possessed by the appellant is from a Board, which finds no recognition in the list of Boards given out by the respondents.

We find no reason to interfere with the just finding of the learned Single Judge more so when the verification of the educational qualification possessed by the appellant had to be done prior to the appointment and it would matter not at what stage the certificate was verified. Merely because the appellant was permitted to appear in the walk test/participation in the process would not ipso facto entitle him to the appointment, which is contingent upon the educational qualifications from a recognised Board.

No ground.

Dismissed.

(Mahesh Grover)
Judge

(Lisa Gill)
Judge

April 27, 2016
rts