

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.12953 of 2017 (O&M)
Date of decision:22.08.2017

Sukhwinder Singh ... Petitioner

Vs.

State of Punjab & others ... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. P.S. Dhaliwal, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

Challenge in the instant petition is to the Memo dated 20.04.2017 (Annexure P-8) issued by the General Governance Department (Secretariat Establishment-I Branch), State of Punjab and in terms of which the petitioner has been held to be ineligible for the post of Senior Assistant in the Punjab Civil Secretariat and consequently declined appointment.

Brief facts emanating from the pleadings on record are that advertisement bearing No.1/2016 was issued on 12.08.2016 at Annexure P-1 inviting applications for recruitment to a total of 120 posts of Senior Assistants. A reservation to the extent of 5% for physically handicapped category was provided. The essential and minimum qualifications for the post of Senior Assistant were stipulated in Clause 6 of the advertisement and were in the following terms:

6. Details of the minimum qualifications for the posts of Sr. Assistant.

Sr. No.	Name of the Post	Number of posts	Qualification (from any recognized University/Board
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1.	SENIOR ASSISTANT	120	a) The candidate must possess a bachelor's degree from a recognized University or institution. b) Possesses at least 120 hrs course with hands on experience in the use of Personal Computer of Information Technology in Office Productivity applications or Desktop Publishing applications from a Government recognized institutions or from reputed institutions, which is ISO 9001, certified. OR Possesses a Computer Information Technology course equivalent to 'O' level certificated of Department of Electronics Accreditations of Computer course (DOEACC) of Government of India. The person so appointed as Senior Assistant shall have to qualify a test in Punjabi and English Typewriting or computer.
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The mode of selection consisted of a written test, two type tests and followed by a process of counselling.

Counsel submits that the petitioner belongs to the physically handicapped category and had submitted his application prior to the last date for submission of application form. Petitioner participated in the process of selection and by virtue of the merit determined in the written examination/type/skill test, had even been invited to participate in the counselling process.

Vide impugned Memo dated 20.04.2017 at Annexure P-8, the petitioner has been held to be ineligible and declined appointment to the post in question on the basis that the computer certificate that was relied upon by the petitioner and issued by the Punjab Infotech CAL-C Centre, Barnala has not been found to be genuine.

Counsel would vehemently argue that the certificate in question was issued by Punjab Infotech CAL-C Barnala Centre and no inquiry has been conducted by the competent authority from such Centre at Barnala prior to forming an opinion as regards such certificate not being genuine and having not been issued by the Punjab Infotech CAL-C Centre. During the arguments, counsel would even advert to the certificate in question at Annexure P-11 to contend that the petitioner had completed his six months course in Basic and Advance MS-OFFICE, MS-DOS and Basic Computers from 15.05.2009 to 25.10.2009. Argument in a nutshell put forth is that without the requisite inquiry having been conducted from the concerned quarter, petitioner has been held to be ineligible and denied his vested right for appointment to the post of Senior Assistant in spite of having secured sufficiently high ranking in the examination process amongst the physically handicapped category candidates. Reliance has been placed upon a decision dated 18.03.2010 rendered by a Coordinate Bench of this Court in **CWP No.11111 of 2009 (Parminder Kaur Vs. State of Punjab & others)**.

Counsel for the petitioner has been heard at length.

In the advertisement dated 12.08.2016 (Annexure P-1) and in response to which the petitioner had submitted his application for the post in question, general instructions were contained in Clause 14. Clause 14.7 and 14.11 would be relevant to the issue at hand and are reproduced hereunder:

“14. General Instructions.

14.7 During document checking the candidate must produce all the original certificates/documents regarding qualifications/technical qualification and concerned category etc. along with attested photo copies.

14.8 to 14.10 xxx xxx xxx

14.11 If any information/certificates/documents are found false at any stage, the registered candidate shall be liable for disqualification and prosecution in accordance with the provisions of the law.”

In the basic/minimum qualifications prescribed for the post, apart from a candidates to possess the diploma degree from a recognized university/institution, it was also incumbent for such candidate to possess at least 120 hours course with hand on experience in the use of Personal Computer of Information Technology in Office Productivity Applications or Desktop Publications from a Government recognized institution or from reputed institution which is ISO 9001, certified.

With regard to the possession of 120 hours course (Computer Course), petitioner at the stage of counselling had relied upon a certificate issued by the Punjab Infotech CAL-C Centre, Barnala.

It is the case of the petitioner himself that the Punjab Infotech CAL-C Centre was functioning under the aegis of Punjab Infotech (Centre of Advance Learning and Computers), a Punjab Government undertaking and having its head office in Sector-17, Chandigarh. The impugned order itself recites that the certificate submitted by the petitioner was sent to Punjab Infotech for purposes of verification and a verification report dated 15.03.2017 was received and as per which such certificate had not been issued by Punjab Infotech.

The contention raised by counsel that such inquiry should have been conducted from the Punjab Infotech CAL-C Barnala Centre is wholly misplaced. Prior to issuance of Memo dated 20.04.2017 (Annexure P-8), petitioner had been served with a show cause notice along with verification

report dated 15.03.2017 and had been called upon to respond. Petitioner duly submitted written response dated 24.03.2017 (Annexure P-6). In the written response at Annexure P-6, petitioner himself conceded that the Punjab Infotech CAL-C Centre, Barnala was lying close since many years. Under such circumstances, no exception can be taken to the methodology adopted by the respondent/authorities in having conducted a verification from the head office of Punjab Infotech and under which the Punjab Infotech CAL-C Centre, Barnala was also working/functioning. In the impugned order, it has been specifically stated that as per records of the Punjab Infotech, the certificate at Annexure P-11 relied upon by the petitioner had not been issued.

In the considered view of this Court, the petitioner has been held to be ineligible for the post in question on valid and cogent grounds and after following due process of law.

The decision of Coordinate Bench in **Parminder Kaur's case** (**supra**) cannot come to the rescue of the petitioner. In such case, the issue was with regard to joining of the JBT/ETT Teachers. Experience certificate produced by Parminder Kaur i.e. the petitioner therein was being seen as false and bogus and this Court taking cognizance of a factual premise whereby the department had itself constituted a Committee under the directions of this Court to the effected candidates to produce relevant record in support of issuance of experience certificates, had disposed of the writ petition with a direction to the already constituted Committee to examine the matter and to submit a report as regards validity of the experience certificate. Furthermore, such directions were issued by taking note of the contention

raised on behalf of Parminder Kaur that even if marks for experience were excluded from the total marks still her name would be within the zone of consideration as per merit determined. The facts of the case are completely distinguishable. The judgment, as such, would have no applicability to the present case.

For the reasons recorded above, no basis to warrant interference in the impugned Memo dated 20.04.2017 (Anenxure P-8) is made out.

Petition is dismissed.

22.08.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |