

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.604 of 2016(O&M)
Date of Decision: 14.11.2017

Mandeep Sharma

--Petitioner

Versus

State of Punjab and another

--Respondents

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

Present:- Mr. Anoop Singla, Advocate for the petitioner.

Ms. Monica Chhibber Sharma, Sr. D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

Petitioner was appointed on compassionate basis on the post of Clerk vide order dated 6.12.2013. The consideration for appointment on compassionate basis was accorded to the petitioner as his father Atma Ram, who was serving as Constable in Punjab Police, had died in harness. Petitioner submitted his joining report on 13.12.2013 in the Special Security Group, Punjab.

Challenge in the instant petition is to the order dated 3.11.2015 (Annexure P-4), passed by the D.G.P., Punjab and whereby services of the petitioner were terminated on the ground that the petitioner did not possess the recognized Bachelor Degree. Stand taken on behalf of the State was that under the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 there is a minimum educational qualification of graduation prescribed for direct appointment to the post of Clerk. The degree relied upon by the petitioner had been issued by the 'Eastern Institute for Integrated Learning in Management (E.I.I.L.M) University, West Sikkim.

Such qualification having been taken to be not recognized and a valid

qualification, the impugned order of termination dated 3.11.2015 (Annexure P-4) was passed.

On 19.8.2016, learned State counsel had made a statement that even though, the degree of graduation possessed by the petitioner had not been found to be valid but while considering the qualification of 10+2 the petitioner can be adjusted on the post of Constable subject to fulfillment of the eligibility criteria for such post.

Subsequently, on 6.10.2017 counsel for the petitioner conceded that the petitioner does not fulfill the eligibility criteria for the post of Constable and as such, was willing to accept any Class-IV post on compassionate basis and against the qualification of 10+2 possessed by him.

Learned State counsel, during the course of hearing today, has apprised the Court that the matter has been reconsidered and a communication vide memo dated 7.11.2017 from the office of D.G.P., Punjab (Litigation Branch) and addressed to the Advocate General, Punjab has been received and as per which the petitioner would be considered for a Class-IV post on the basis of his 10+2 qualification provided he is medically fit and is cleared in the police verification. State counsel further apprises the Court that the petitioner has already appeared for the medical test and the process for verifying his antecedents/police verification would be undertaken within a period of four weeks from today.

A copy of memo dated 7.11.2017 is taken on record as Mark A.

Respondent State is held to be bound by the decision contained in memo dated 7.11.2017.

Respondents are directed to complete the process of police verification within a period of four weeks. Subsequent thereto and subject

to medical fitness and police verification petitioner be issued appointment letter against a Class-IV post forthwith.

Petition is disposed of in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

14.11.2017

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No