

**CM-273-274-275-LPA-2013 in/and
LPA-100-2013 (O&M)**

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

**CM-273-274-275-LPA-2013 in/and
LPA-100-2013 (O&M)**

Date of Decision: May 17, 2017

Simta

.....Appellant

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.D.S.Patwalia, Sr. Advocate with
Mr.Kannan Malik, Advocate
for the appellant.

Mr.Deepak Balyan, Addl.A.G.,Haryana.
Mr.Vikram Jeet Singh, Advocate for
Mr.Aman Pal, Advocate
for respondent No.4.
Mr.Vivek Lamba, Advocate
for respondent No.5.

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SURYA KANT, J.

CM-273-LPA-2013

For the reasons mentioned in the application, the same is
allowed subject to all just exceptions. Delay of 56 days in filing the appeal
is condoned.

CM stands disposed of.

LPA-100-2013 (O&M)

September 12, 2012 whereby the learned Single Judge has dismissed the appellant's writ petition on the ground that it involved several disputed questions of fact which cannot be adjudicated in exercise of writ jurisdiction, as well as against the order dated November 07, 2012, whereby review application was dismissed.

[2] The controversy pertains to the appellant's entitlement for selection to the post of Lab Technician in general category. It is an admitted fact that the appellant had applied on 04.06.2007 for the above-stated post against Advertisement No.5/2007 dated 06.05.2007. In her application form against Column No.10, the appellant disclosed her educational qualification as '3 year diploma M.L.T.', which was passed in May-June 2006. On the basis of disclosed qualifications, the total marks awarded to the appellant were 40.05 whereas the last selected candidate got 46.17 marks. The appellant claimed that she had meanwhile acquired bachelors degree in Medical Lab Technology on 29.11.2007 and since the last date for submission of the applications was extended for another year and the said degree had been completed before the extended cut-off date, she was entitled to be awarded additional marks for such higher qualification.

[3] The Staff Selection Commission has controverted this claim on the ground that the appellant never submitted bachelors degree before the cut-off date or even thereafter. It has been categorically averred in the affidavit that the degree was neither relied upon by the applicant in the application form nor at the time when interview was held on 12.05.2009.

There appears to be merit in the stand taken by the Staff Selection

Commission for the reason that bachelor's degree was awarded to the appellant on 29.11.2007 whereas she had applied on 04.06.2007. Onus was on the appellant to prove that subsequently she submitted the degree. In the absence of any such proof, her bald statement to the effect that a copy of the degree was actually submitted, cannot be relied upon. Learned Single Judge has thus, rightly observed that the matter involves disputed questions of fact which cannot be adjudicated in writ jurisdiction.

[4] Dismissed.

CM-274-LPA-2013

As the main case has been decided on merit, this application for impleadment has become infructuous.

Ordered accordingly.

**(SURYA KANT)
JUDGE**

May 17, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |