

LPA no.1417 of 2017 (O&M) 1

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

LPA no.1417 of 2017 (O&M)

Date of Decision : 08.08.2017

Institute of Banking Personnel Selection, through its Chairman

....Appellant(s)

Versus

Ramandeep Kaur and another

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr.Aayush Gupta, Advocate for the appellants

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned Single Judge dated 7.7.2017. One of the reasons for excluding the respondent-writ petitioner from consideration was the fact that respondent no.1 did not produce OBC certificate indicating her status as a candidate belonging to creamy or non-creamy layer on the ground that this certificate according to the condition imposed in the advertisement was to be obtained between 1.4.2013 to 31.3.2014. It was also stipulated that this certificate has to be produced at the time of interview i.e on 13.2.2014 as disclosed to us by the learned counsel for the appellant after persistent questioning.

Learned Single Judge held the condition of obtaining the certificate from 1.4.2013 to 31.3.2014 as bad. The writ petitioner had produced a certificate of a prior date i.e. 31.8.2012 indicating her OBC status which was not considered. She had submitted in the writ petition that

a fresh certificate had been asked for but the same had not been given to her in time to be produced during interview. We have on record the reply submitted by the Sub Divisional Magistrate (South) UT, Chandigarh admitting as a matter of fact that the writ petitioner had applied on 12.3.2014 for fresh certificate which application was received in their office on 13.3.2014.

If that be so then there was a clear attempt made by the writ petitioner to have a fresh certificate in terms of the advertisement warranting certificate between 1.4.2013 to 31.3.2014.

This condition on the face of it seems absurd although at the first brush it seems that the period prescribed has some relevance considering the fact that the person can be ousted from a non-creamy layer on account of the income at any stage but if the insistence was that it should be produced at the time of interview, the date of which was prescribed as 13.2.2014 then to our minds it is impractical to serve this ostensible purpose besides being illogical considering that the last date of the prescribed period is 31.3.2014 i.e after the interview. Learned Single Judge was therefore right in negating this condition and holding the writ petitioner eligible. We also notice that the fresh certificate has been issued by the Union Territory in response to the plea of the writ petitioner which is on record as Annexure R-2/2.

There is therefore no impediment in the way of considering the respondent-writ petitioner for the employment which she seeks. We do not find any infirmity in the findings recorded by the learned Single Judge for the reasons afore-stated and rather feel that the approach of the appellants is

a situation where not only the writ petitioner, possibly many others, would have been excluded from consideration by fixing the date of interview prior to the relevant date for obtaining certificate of OBC. Hence, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

08.08.2017	
rekha	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No

(Raj Shekhar Attri)
Judge