

**210 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No. 17561 of 2013.
Date of Decision: 18.12.2018**

Gurmit Singh Brar

.....Petitioner

Versus

State of Punjab & others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. D.S. Patwalia, Sr. Advocate with
Mr. Vikas Kuthiala, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. AG Punjab.

Mr. Raj K. Kapoor, Advocate,
for respondent Nos. 3, 5 and 6.

JITENDRA CHAUHAN J.(ORAL)

The petitioner was considered by the DPC held on 07.06.2013 along with other private respondents. The bachelor of Engineering degree of the private respondents was found to be from Deemed University and obtained through distance education which was declared invalid. However, the candidates were given chance to clear the examination by Hon'ble the Supreme Court in *Orissa Lift Irrigation Corporation Ltd. vs. Rabi Sankar Patro and others 2017 AIR (SC) 5179.*

In pursuance of the liberty afforded by Hon'ble the Supreme Court, a test was conducted. Respondent No.6, Baljinder Singh, could not qualify the test, therefore, the petitioner prays that he be promoted being next in the merit list and in view of the order dated 31.07.2018 passed by the State.

This factual aspect of the matter is not being disputed by the

learned counsel for respondent No.6. However, he states that he still has one chance to appear in the examination.

At this stage, it has been submitted by the learned counsel for the petitioner that the first examination conducted by the UGC in pursuance of the aforesaid judgment has been challenged by certain candidates wherein allegations were that the examination was not conducted as per the guidelines of Hon'ble the Supreme Court.

Learned senior counsel for the petitioner states that he would make way for respondent No.6 in case respondent No.6 qualifies the examination.

Learned counsel for respondent No.6 also states that he is not averse to such an arrangement.

In this view of the matter, the Court feels that at this stage, a right has accrued in favour of the petitioner. In the circumstances, it is directed that the slot offered to respondent No.6 be now offered to the petitioner as respondent No.6 already stands reverted. However, on availing the second chance by respondent No.6, if respondent No.6 qualifies, the petitioner shall make way for respondent No.6.

In the circumstances, respondent No.1 is directed to pass the necessary order in the matter within four weeks from the date of receipt of copy of the judgment.

Disposed of.

(JITENDRA CHAUHAN)
JUDGE

18.12.2018.

SN

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No