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

CWP-1011-2018

Date of decision-19.01.2018

Harish Dhingra

...Petitioner

Vs.

Punjab State Power Corporation Ltd. and another ...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ravi Malik, Advocate for
 Mr. G.S.Chahal, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari for quashing the order dated 04.01.2018 (Annexure P-10) whereby the appointment has been denied to the petitioner.

 Contentends that the petitioner applied for the post of Revenue Accountant on the basis of Post Graduation degree i.e. M.Com obtained through Distance Education Programme from Eastern Institute for Integrated Learning in Management (EILM) (Private University), Jorethang Sikkim, duly established by the Government of Sikkim under Sikkim University Act, 2006 and in this regard a notification was issued on 26.05.2006 (Annexure P-7). The petitioner was fully eligible to apply for the post against the physically handicapped quota. He further contends that despite having secured 63.50 marks in the written examination, the petitioner was not

considered for appointment, whereupon he was constrained to file CWP No.24529-2013, which was allowed by this Court vide order dated 07.10.2014 (Annexure P-5). But the petitioner was not given appointment immediately thereafter. In the meantime, the Government of Sikkim dissolved the University in the month of August 2015 vide Annexure P-9. When the M.Com certificate of the petitioner was sent by the respondent for verification, the same was returned with the report that EIILM never conducted M.Com course either on regular mode or distance mode. It is contended that the HRD Department of the Sikkim University has no authority to make such observations and as such letter dated 04.01.2018 terminating the services of the petitioner is bad in law.

I have heard learned counsel for the petitioner and have gone through the case file.

A bare perusal of impugned order dated 04.01.2018 (Annexure P-10) reveals that on receipt of postal report from EIILM University Sikkim, that the University stands closed, the petitioner was given personal hearing. The respondent wrote a letter dated 21.12.2016 to Legal Remembrancer-cum-Secretary Law Department Sikkim whereupon Human Resources Development Department, Government of Sikkim vide their letter No.400/Dir (HE)/HRDD dated 12.05.2017 supplied the following information:-

“With reference to your RTI application dated 18.04.2017, it is to inform you that EIILM never conducted Master of Commerce course either on regular mode or Distance mode. This courses is not an approval course by UGD/DEC. As such the course is not valid/genuine.”

The reply and documents supplied by the petitioner did not clarify that EIILM was authorized to confer the degree of M.Com (regular and distance mode). In view of the letter No.400/Dir (HE)/HRDD dated 12.05.2017 the petitioner was rightly held ineligible for the post of Revenue Accountant and was removed from service vide impugned order dated 04.01.2018 (Annexure P-10).

The action of the respondents cannot be said to be arbitrary or unjust, calling for interference by this Court.

Dismissed.

(JITENDRA CHAUHAN)
JUDGE

19.01.2018

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