

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

CWP No.19621 of 2014.

Date of Decision: 12.02.2018.

Angrej Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Sukhdev Kamboj, Advocate,
for the petitioner.

Ms. Deepali Puri, Addl. AG, Punjab.

Mr. H.S. Dhandi, Advocate,
for respondent No.3.

JITENDRA CHAUHAN.J.(ORAL)

Challenge in this civil writ petition is laid to the order dated 23.12.2013 (Annexure P-15) passed by respondent No.2 vide which the claim of the petitioner for appointment to the post of Art and Craft Teacher has been rejected.

The sole grouse of the petitioner is that he has not been accorded two marks towards experience on the ground that experience certificate dated 10.10.2009 (Annexure P-1) was not countersigned by the District Education Officer (S.E.), Fazilka though the same was found to be a genuine document on verification done by District Education Officer, Ferozepur, along with the verification by the Manager, Field Officer, Punjab School Education Board, Ferozepur from the school which issued the certificate. It is asserted that similar certificates issued in favour of other two candidates, namely, Geeta

Chhabra and Manju Bala were considered and the necessary benefit of experience and consequential appointment were granted to them.

On the other hand, the learned State counsel relies upon condition No.15 laid down in the advertisement vide which the petitioner was required to get the experience certificate countersigned by the concerned District Education Officer (Secondary). Therefore, the appointment has been rightly denied.

Heard.

The certificate (Annexure P-1) was issued after verification by the District Education Officer and the same has been found to be genuine, even the affiliation of the school which issued the certificate was also verified by the Manager, Field Office, Punjab School Education Board, Ferozepur and the candidates with similar certificates were accorded benefit of experience thus, the Court is of the opinion that the present case is a typical case of unequal treatment to the equally placed persons. Once the other candidates have been accorded marks on the similar certificate, there was no reason with the respondents not to consider and accord the marks as done in the case of others. This is clear case of discrimination as in paragraph No.16 of the reply filed on behalf of respondent Nos. 1 & 2, it has been specifically admitted that similarly placed persons namely, Geeta Chhabra and Manju Bala have been given appointment, therefore, this Court is of the considered opinion that the petitioner deserves to be given two marks

for the experience which have been wrongly withheld by the respondents.

In view of above, the present writ petition is allowed. Impugned order dated 23.12.2013 (Annexure P-15) passed by respondent No.2 is set aside. The State is directed to grant two marks to the petitioner withheld on the ground that certificate being not countersigned by the competent authority. If the petitioner falls within the zone of consideration, the consequent relief be passed on to the petitioner within six weeks from the date of receipt of certified copy of this judgment.

12.02.2018.

SN

(JITENDRA CHAUHAN)
JUDGE

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