

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

CWP No.21310 of 2014 (O&M)

Date of decision: 06.09.2018

Manju Joshi

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. N.P.S. Mann, Advocate for the petitioner(s).

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner seeks quashing of the impugned order dated 23.04.2013, (Annexure P-15) passed by respondent No.2 vide which the claim of the petitioner for reconsidering her for appointment to the post of Hindi Mistress was rejected.

It is contended that the petitioner being eligible had applied for the post of Hindi Mistress in pursuance of advertisement whereby 713 posts of Hindi Master/Mistress were to be filled up on contract basis. The solitary submission raised on behalf of the petitioner is that her candidature was rejected only on mere technicalities of not submitting her experience certificate whereas other such candidate at Sr. No.8, namely Kiran Hasisa who also had not produced her experience certificate at the time of counselling was selected by awarding her marks allocated for experience but the petitioner was not considered and selected despite the

fact that she secured 63.5% marks and her name had figured at Sr. No.364 in the provisional merit list and had also submitted her experience certificate to the competent authority.

On the other hand, learned State counsel submits that the candidature of the petitioner was rightly rejected as she failed to produce the experience certificate at the time of counselling. She further states that the petitioner was awarded 63.5% marks including towards experience on the basis of information submitted by her which was later on reduced to 55.49% as she failed to produce the experience certificate.

Heard.

It is not in dispute that as per the merit list drawn by the respondent the petitioner had been shown to have secured 63.5% marks as per open combined provisional merit list which was later on reduced to 55.49% on account of non submission of experience certificate at the time of counselling. Earlier, the petitioner had approached this Court by way of filing CWP No.1516-2012 decided on 25.01.2012 (Annexure P-9) wherein the following order was passed:-

“The petitioner is aggrieved by the fact that she has not been selected for appointment to the post of Hindi Mistress. The petitioner alleges that in the provisional merit list, she was awarded 63.5 points which were reduced to 55.49 at the time of counselling for the reason that the experience certificate produced by her which was even duly counter-signed by the prescribed authority has not been accepted only on the ground that the petitioner did not produce the same at the time of counselling though it was admittedly produced during the period when the counselling was still going on.

(2). *Having heard learned counsel for the petitioner, I find that two issues need to be determined by the Authorities. Firstly, was it mandatory to produce the original certificate(s) at the time of counselling only or it could be produced before the closing of the counselling for all the candidates? Secondly, whether the experience certificate is otherwise genuine and bona fide?*

(3). *While the first question may require a sort of policy decision, the second question being a pure question of fact the Authorities would be well within their rights to verify the records and determine its veracity.*

(4). *The writ petition is accordingly disposed of with a direction to respondent No.2 to take an appropriate decision in respect of both the issues as early as possible but not later than six months from the date of receipt of a certified copy of this order. Suffice it to observe that if pursuant to the decision to be taken by the respondent No.2, petitioner's merit points are revised to her advantage, the consequential benefits, if any, admissible to her shall also be granted to her though notionally.*

(5). *Ordered accordingly. **Dasti.***"

In pursuance of the order, the authorities have passed the impugned order whereby the petitioner's claim was rejected. The advertisement was issued on 23.09.2009 (Annexure R-1). The last date of submitting of application was 09.10.2009. As per para No.4 of the general condition of the advertisement, *'the candidates will ensure that they fulfill all the prescribed qualification and conditions on the last date of the submission of the application. In case before or after the appointment, it is found that the candidate do not fulfill the qualification/condition or the information given is found false or incorrect, then their right of candidature will be cancelled.'* In the

present case, the petitioner ought to have possessed the experience certificate on the date of counselling i.e. 16.07.2010 but she got prepared the same on 17.07.2010 and furnished on 20.07.2010 to the Principal Secretary, Department of School Education, Punjab which was clearly after the last date of counselling which goes to prove that at the time of submission of application form, the petitioner did not have the requisite experience certificate as mandate in the advertisement and thus, the authorities have rightly rejected her application.

In view of the above, the Court feels that there is no illegality or perversity in the impugned order dated 23.04.2013 (Annexure P-15) and accordingly, the instant petition is dismissed.

06.09.2018

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(JITENDRA CHAUHAN)
JUDGE

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