

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

(1) CWP No. 8979 of 2011 (O&M)
Date of decision: 24.04.2018

Kuldeep Kaur

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

(2) CWP No. 10522 of 2011 (O&M)
Date of decision: 24.04.2018

Harminder Pal Kaur

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. Neeraj Jain, Advocate for
Mr. J.S. Ghumman, Advocate for the petitioner(s).

Ms. Sudeepti Sharma, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

The aforementioned two petitions are being decided by way of common order, as common questions of law and facts are involved in the matter. However, the facts are being derived from CWP-10522-2011 in order to avoid repetition.

By way of instant writ petitions, under Articles 226/227 of the Constitution of India, the petitioners seek issuance of a writ in the nature of certiorari for setting aside the impugned merit list (Annexure P-

6) revised by the respondents without affording them any opportunity of hearing wherein the petitioners have been shown as not eligible.

Heard.

The short question which needs determination is as to whether the experience certificate (Annexure P-10) held by the petitioner (s) is a valid experience. As per the averment, the petitioner(s) acquired three years diploma in the year 2006, whereas the experience certificate issued by the Principal, Punjab Industrial Training Institute of Arts and Crafts, Nabha (Patiala) pertains to the period from 04.12.2004 to 31.12.2007.

Learned counsel appearing on behalf of the petitioner(s) has failed to explain the fact that as to how without the necessary qualification she had been working as computer instructor. Moreover, the certificate (Annexure P-10) is not countersigned by the District Education Officer (Secondary Education) as required in the advertisement dated 23.09.2009 (Annexure P-1). The advertisement carries the following conditions:-

“4 The candidates will ensure that they must fulfill all the prescribed qualifications and conditions on the last date of submission of the applications. In case before or after the appointment, it is found that they don't fulfill any qualification/condition or the information given is found false or incorrect, then their right of candidature will be cancelled and criminal proceedings will be initiated separately under the rules.”

As the experience certificate is not countersigned nor the counsel appearing on behalf of the petitioner(s) has been able to explain

as to how was he pursuing both the full time courses at one and the same time. Since the petitioner(s) does not possess the requisite qualification, therefore, the respondents have rightly rejected the claim of the petitioner (s). This Court finds no fault in the impugned order and accordingly, the present petition(s) are dismissed.

24.04.2018

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(JITENDRA CHAUHAN)
JUDGE

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