

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

CWP No. 24583 of 2014 (O&M)
Date of decision: 16.08.2018

Kiranjeet Kaur

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. K.S. Boparai, Advocate for the petitioner(s).

Ms. Kanica Sachdeva, AAG, Punjab.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, the petitioner seeks issuance of directions to the respondents to consider her application for the post of Lecturer Post Graduate Teacher (PGT) in Chemistry in Scheduled Caste (Ex-servicemen) category, particularly, when the petitioner is the sole applicant against one post reserved for the category in issue.

The petitioner had applied for the post of Lecturer Post Graduate Teacher (PGT) in Chemistry against Scheduled Caste (Ex-servicemen) category, in response to the advertisement (Annexure P-1). On 31.12.2013, she was called for counselling and scrutiny of the documents and was instructed to bring the Lineal Descendent Certificate issued specifically for the purpose of employment in Rashtriya Madhyamic Shiksha Abhiyan (RMSA), whereas, the petitioner while applying for the post had appended the Lineal Descendent Certificate dated 30.06.2005 (Annexure P-5). As instructed by the authorities, the

petitioner got issued a fresh certificate dated 31.12.2013 (Annexure P-9) and submitted the same to the authorities, however, the petitioner was not called for interview.

It is asserted that the petitioner was the only candidate against the solitary post in the category in question and fulfills all the eligible criteria as laid down by the respondents in the advertisement but despite that her name did not figure in the list of eligible candidates called for interview.

On the other hand, learned State counsel states that the Lineal Descendent Certificate submitted by the petitioner was issued on 31.12.2013, whereas it was specifically mentioned in the advertisement that all the documents must have been issued prior to the last date of submission of application forms and the documents issued thereafter shall not be entertained. Since the Lineal Descendent Certificate of the petitioner was issued after last date of submission of application i.e. 27.11.2013, therefore, her name was rightly not considered.

Heard.

Admittedly, the petitioner was the only candidate against Scheduled Caste (Ex-servicemen) category for the post in question. It is also admitted that petitioner appeared for scrutiny of documents on 31.12.2013. The interview for the post was conducted on 16.09.2014. The petitioner was not called for interview on the ground that her Lineal Descendent Certificate was issued after last date of submission of application forms. Except that, there is no other impediment for not considering the name of the petitioner. In fact, the petitioner had appended the Lineal Descendent Certificate issued by the competent

authority on 30.06.2005, although, it does not specify that it was got issued for the advertisement in question. The law on the point has been well settled by Hon'ble the Supreme Court in **Ram Kumar Gijroya Vs. Delhi Subordinate Services Selection Board and another** in Civil Appeal No.1691 of 2016, decided on 24.02.2016, wherein, it was held that the certificates issued and produced after the last date of filing the application cannot be taken as a ground for non-suiting the candidate.

Hon'ble Delhi High Court in **Tej Pal Singh & Ors. Vs. Govt. of NCT of Delhi**, ILR 2001 Delhi 298 in para Nos.17 and 18 held as under:-

“17. The matter can be looked into from another angle also. As per the advertisement dated 11th June, 1999 issued by the Board, vacancies are reserved for various categories including 'SC' category. Thus in order to be considered for the post reserved for 'SC' category, the requirement is that a person should belong to 'SC' category. If a person is SC his is so by birth and not by acquisition of this category because of any other event happening at a later stage. A certificate issued by competent authority to this effect is only an affirmation of fact which is already in existence. The purpose of such certificate is to enable the authorities to believe in the assertion of the candidate that he belongs to 'SC' category and act thereon by giving the benefit to such candidate for his belonging to 'SC' category. It is not that petitioners did not belong to 'SC' category prior to 30th June, 1998 or that acquired the status of being 'SC' only on the date of issuance of the certificate. In view of this position, necessitating upon a certificate dated prior to 30th June, 1998 would be clearly arbitrary and it has no rationale objective sought to be achieved.

18. While taking a particular view in such matters one has to keep in mind the objectives behind the post of SC and ST categories as per constitutional mandate prescribed in Articles 15(4) and 16(4) which are enabling provisions authorising the Government to make special provisions for the persons of SC and ST categories. Articles 14(4) and 16(4), therefore, intend to remove social and economic inequality to make equal opportunities available in reality. Social and economic justice is a right enshrined for protection of society. The right in social and economic justice envisaged in the Preamble and elongated in the Fundamental Rights and Directive Principles of the Constitution, in particular Arts. 14, 15, 16, 21, 38, 39 and 46 are to make the quality of the life of the poor, disadvantaged and disabled citizens of the society meaningful.”

This Court in CWP-21657-2014 titled as **Somanjeet Kaur** Vs. **State of Punjab and others**, wherein, the petitioner's claim was rejected on the ground that lineal descendant certificate was not issued prior to the last date of submission of the application forms, appointment letter was ordered to be issued in favour of the petitioner therein.

In view of the above, the present petition is allowed. Respondent No.1-Secretary, Department of Secondary Education, Punjab, Civil Secretariat, Chandigarh is directed to conduct the interview of the petitioner within a period of four weeks from the date of receipt of certified copy of the order and pass the consequential order within three weeks thereafter.

16.08.2018
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(JITENDRA CHAUHAN)
JUDGE

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