

Sr. No.115

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

**CWP No.18914 of 2018 (O&M)
Date of Decision: 17.12.2018**

Balvir Singh

... Petitioner

Versus

The State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Gaurav Sharma, Advocate,
for the petitioner.

ARUN MONGA, J.(ORAL)

Present writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to appoint the petitioner as Physical Training Instructor for which the petitioner had applied, is duly qualified and was in merit list at Sr. No.6 having qualified with 63.310 marks in the total merit.

Learned counsel for the petitioner contends that persons lower in merit than the petitioner have been appointed as Physical Training Instructor (PTI) whereas the petitioner has been non-suited owing to registration of an FIR No.174 dated 19.05.2010 which was lodged on the complaint of respondent No.2-Director Public Instructions, Government of Punjab. He contends that while rejecting his candidature for appointment as PTI even though he had qualified it was remarked that he had submitted a fake Certificate of Physical Education which led to registration of the said FIR as respondent No.2 sent a complaint to Senior

Superintendent of Police, Sector 9, Chandigarh to investigate into the genuineness of the alleged fake certificate submitted by the petitioner.

Learned counsel further contends that after conducting the investigation, a closure report was filed before the Court of Judicial Magistrate Ist Class, Chandigarh wherein the APP for the State suffered a statement that the certificates in question were verified and were found to be correct. Vide order dated 14.09.2017 passed by the learned JMIC, Chandigarh, it is observed that documents were also verified by the Deputy Director, Directorate of Sport and Youth Services, Pune, Maharashtra have also found the documents to be correct. Learned JMIC further observed that ADA legal had gone through the report of Investigating Officer and on the basis of material available on file he agreed with the submissions made by the Investigating Officer to send the case as untraced. In view thereof the closure report filed by the Investigating Officer was accepted and further proceedings in the FIR were dropped since the documents submitted by the petitioner upon verification were found to be in order.

Learned counsel for the petitioner also contends that notwithstanding, the petitioner has not been offered the appointment letter even though he had qualified for the same and persons junior to him have been appointed. In the circumstances, he also submitted a representation dated 05.06.2018 (Annexure P-16) which has not been adverted to by the respondents till date.

On a specific query having been put, learned counsel for the petitioner points out that there are number of vacancies still lying vacant.

Keeping in view the contentions of the learned counsel as noted above, present petition is disposed of without issuance of notice and further proceedings.

Respondent No.2-The Director Public Instructions (Secondary Education), Punjab is directed to take a decision on the representation dated 05.06.2018 (Annexure P-16) keeping in view the contentions of the learned counsel for the petitioner as noted above as also the contents of the representation and pass a speaking order. Needful be done within a period of 03 months from the date of receipt of a copy of this order.

Disposed of.

(ARUN MONGA)
JUDGE

17.12.2018

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No