

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-26090-2015 (O&M)

Date of Decision:-01.02.2018.

Teena Mehta

.....Petitioner

Versus

Institute of Banking and Personnel Selection and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr.Divay Sarup, Advocate for the petitioner.

Mr. Aayush Gupta, Advocate for respondent No.1.

Mr. Anshul Mangla, Advocate for

Mr. Bhushan Bhatia, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

CM-17816-CWP-2017

CM for preponement is allowed subject to all just exceptions for the reasons stated in the application as well as affidavit.

With the consent of counsel for the parties, main matter is taken up on Board today itself.

CWP-25546-2015

Petitioner is a candidate for recruitment to the post of Office Assistant (Multipurpose) in Regional Rural Bank. Pursuant to the advertisement, petitioner had participated in the process of selection and appointment. At the time of interview, the respondents did not accept the

final degree certificate on the score that petitioner did not fulfill the furnishing of provisional certificate or mark sheet/consolidated mark sheet. Perusal of call letter for interview in particularly clause-(b) which reads as under:-

“(b) Provisional Certificate or Marksheets/ Consolidated Marks sheet or Final Degree Certificate regarding Graduation; The date of passing the examination which is reckoned for eligibility will be the date of passing appearing on the original marksheet/provisional certificate/final certificate.”

Since there is a clear option for a candidate to produce provisional certificate or mark sheet/consolidated mark sheet or final degree certificate regarding graduation, therefore, the respondents cannot insist that provisional certificate or mark sheet/consolidated mark sheet and final degree certificate since the word used is “OR”. Therefore, petitioner has made out a case so as to consider his name for selection and appointment to the post of Office Assistant (Multipurpose). Petitioner is hereby directed to furnish requisite degree certificate with reference to eligibility to the selecting authority within one week from today. If such a certificate is produced, concerned respondents selecting authority and appointing authority are hereby directed to consider the petitioner's candidature for the purpose of selection and appointment to the post of Office Assistant (Multipurpose). Supreme Court in case of **Ram Kumar Gijroya Versus Delhi Subordinate Services Selection Board and another (2016) 4 SCC 754** read with decision in ***CWP No.8610 of 2014*** decided on 07.07.2017 in which it is held that if a candidate is eligible and for one or the other reason, he could not produce relevant certificate at the time of interview, in

that event, concerned authority was directed to entertain submission of certificate at the later stage also.

With the above observations, petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

February 01, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.