

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

CWP No.3607 of 2017(O&M)

Date of Decision:-14.02.2018

Tarun Goyal.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ashok Bhardwaj, Advocate for the Petitioner.

Mrs. Ishneet Kaur, Assistant Advocate General, Punjab
assisted by Mr. Harminder Singh, Senior Assistant for
respondent nos.1 & 2.

None for respondent nos.3 to 36.

Mr. Arshdeep Singh Bhullar, Advocate for
Mr. Ravi Inder Singh, Advocate for respondent no.37.

JASWANT SINGH, J.(ORAL)

Through the present petition, petitioner-Tarun Goyal, who had applied for the post of School Librarian under the General Category, has sought quashing of the impugned select list dated 19th of December 2014 (P5) issued by respondent No. 2, whereby his candidature has been rejected on the ground that he possesses the Diploma Certificate from a University situated outside the State of Punjab as the same is not legitimate according to guidelines issued by University Grants Commission, Government of India.

In the present case, notice of motion was issued on 03.04.2017. Despite notice of motion being issued in April 2017, no reply was filed by the State even on 12.01.2018. However, the respondent-State was directed to file its written statement finally by today i.e. 14.02.2018. However, even today no written statement has been filed and thus, this Court has no option but to strike of the defence of the respondent-State.

It is contention of the learned counsel for the petitioners that his case is squarely covered by the judgment passed by this Court in CWP No.9398 of 2016 decided on 01.03.2017 whereby, this Court has directed the State to offer appointment letter to a similarly situated candidate having similar qualifications from same University but was denied appointment. To support his arguments, Ld. Counsel for the petitioner has relied upon merit list **Annexure P-3** for the post of School Librarian whereby he has been shown at Sr. No.12 and it is mentioned therein that there was a requirement of 2 years diploma in library science. The petitioner has been kept out from the list of successful candidates dated 19th of December 2014 (**Annexure P5**) on account of the fact that the petitioner had diploma from CMJ University, Meghalaya. Reference has been made to the certificate (**Annexure P-2**) issued by CMJ University, Meghalaya to show that it was by way of a regular course and not by way of a distant education program and therefore, the condition regarding the legitimacy of the diploma from the said university will not be applicable. It was thus submitted that the action on part of respondents No. 2 for keeping out the petitioner from the final selection list on the ground that his candidature has been cancelled because he has obtained academic/profession certificates from the university situated out of the State of Punjab, being illegitimate according to

guidelines issued by University Grants Commission, Government of India, illegal, arbitrary and against the principles of natural Justice. Thus, it is prayed that the present petition be allowed.

On the other hand, the case of the respondent-State is that from the material placed on record it cannot be deduced that the case of petitioner has been rejected on the similar grounds as was rejected of the Petitioner in CWP No.9398 of 2016. However, to substantiate the said plea there is no material upon which she could rely upon or has received any instructions from the Subordinate Selection Board to justify its action of ignoring the petitioner for appointment to the post in question.

After hearing the Ld. Counsel for the parties and after perusing the paper book, this court is of the opinion that the present writ petition deserves to be allowed as the same is squarely covered by the judgment passed by this Court in CWP No.9398 of 2016.

It is not in dispute that petitioner was at serial No.12 on the merit list (**Annexure P-3**) wherein it has been shown that the petitioner had secured 66.9 marks. However, in the subsequent merit list prepared by the respondent Department **Annexure P-5**, the petitioner has not been shown to be selected candidate. A note 2 has been mentioned below the select list which reads as under:

“ Note 2: Those candidates who have submitted their academic/professional certificate from the other universities situated out of the State of Punjab their candidature have been cancelled because of the same not being legitimate according to the guidelines issue by University Grants Commission, Govt. of India. ”

In other words, as per respondent no 1 and 2, the candidature of

Diploma in Library and Information Science (Two Year Diploma course) to be valid since it is not considered to be legitimate as per guidelines issued by UGC. However, this Court in CWP No.9398 of 2016 has already discussed in detail the effect of a candidate completing his/her diploma in Regular mode from CMJ University. The relevant part of the Judgment is reproduced as under:-

“ The counsel for the petitioner has thereafter drawn the attention of this court to the migration certificate given by Registrar of CMJ University Meghalaya on 28th of April 2013, which has again been issued at Shillong. Meaning thereby, the petitioner has conclusively been able to show that he was i) a regular student in CMJ University Meghalaya and ii) did his course from the main campus at Shillong. Consequently, the information supplied by the UGC to the effect that “diploma in Library and Information Science (Two Year Course) conducted by CMJ University, is valid if the course was conducted in regular mode at the main campus of the University.”, stands fulfilled by the petitioner. Thus, the action on part of respondent No. 2, to not consider the candidature of the petitioner solely on the ground that he had submitted his academic/professional certificate from a University outside State of Punjab by presuming it to be not legitimate, as per guidelines issued by University Grants Commission, Government of India, is absolutely arbitrary, shows complete non- application of mind and has resulted into violations of principles of Natural Justice. ”

Since petitioner has also done his diploma from CMJ University, Meghalaya in similar manner as that of the petitioner in CWP No.9398 of 2016, this Court has no hesitation in holding that the matter is squarely covered by the aforesaid judgment.

Resultantly, the present petition is allowed in similar terms as that of CWPNo.9398 of 2016 and respondent Nos. 1 and 2 are directed to offer an appointment letter to petitioner to the post of School Librarian within a period of 4 weeks of receipt of certified copy of the order.

Disposed off accordingly.

(JASWANT SINGH)
JUDGE

February 14, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>