

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

CWP-5497-2018

Date of Decision: March 06, 2018

Ajay Singh Parmar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. G.C. Shahpuri, Advocate,
for the petitioner.

ARUN PALLI, J. (ORAL)

Notice of motion.

Mr. Hitesh Pandit, Additional Advocate General, Haryana, and
Mr. H.N. Mehtani, Advocate, present in the Court, accept notice on behalf of
respondent No. 1 and respondent No. 2, respectively. Copies furnished.

For the nature of order, I propose to pass in the matter, no
formal written statements/counter affidavits on behalf of the respondents are
indeed necessary, at this stage. Thus, with the consent of the parties, the
petition is being disposed of finally.

The petitioner competed for selection to the post of Assistant
Engineer (Civil), under the 'DESM' category. He purports to have qualified
the written examination. And, in terms of Note-1, appended to the result
(Annexure P-6), the candidates were required to furnish the hard copies of
their on-line application forms alongwith self-attested copies of their
certificates/supporting documents, to the Commission by 23.02.2018. The
petitioner alleged to have furnished all the necessary documents on

dated 23.02.2018 (Annexure P-7), his candidature was rejected, for, “**3. Your degree obtained through Correspondence or distance education mode, from Universities/Deemed Universities/Technical Institutions is not approved by UGC-AICTE-DEC as clarified by the Govt. of Haryana; 8. DESM certificate after closing date i.e. 31.07.2017.**” However, the petitioner was afforded an opportunity to file objections by moving a representation up to 05.03.2018, against the rejection of his candidature. Vide letter/objections, dated 01.03.2018 (Annexure P-8), the petitioner clarified to the Commission that he had obtained the requisite degree through a regular education mode from the University approved by UGC. Meaning thereby, the reason assigned by the Commission to reject the petitioner’s candidature was erroneous. But as regards the submission of the DESM certificate, concededly, the petitioner did not append the said certificate with his application form that was required to be submitted on-line before closing date, i.e. 31.07.2017. Though his case is that post declaration of results of the written examination, he submitted the necessary certificate on 20.02.2018. Further the objections filed by the petitioner, dated 01.03.2018 (Annexure P-8), to the rejection of his candidature continues to await consideration of the Commission. And, since the interview is scheduled to take place on 07.03.2018, in the event the petitioner is not permitted to participate in the process, he shall suffer an incalculable loss.

In response, learned counsel for the respondents submit that the claim/grievance of the petitioner as also his objections, dated 01.03.2018 (Annexure P-8), shall be considered and dealt with by 07.03.2018, before

01.00pm. And appropriate orders in accordance with law, shall be passed and communicated to the petitioner as also to his counsel.

The petition is accordingly disposed of in the above terms. However, in the event the claim of the petitioner is declined, the respondent authorities shall pass a comprehensive order assigning reasons in support thereof. On the contrary, if the petitioner is found to be eligible and ought to have been called for interview, the necessary communication, in time, shall be sent to the petitioner as also to his counsel, so as to enable the petitioner to participate in the interview process.

Copy of the order be issued to the parties, under the signatures of the Bench Secretary attached to this Court.

(ARUN PALLI)
JUDGE

March 06, 2018

P Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO