

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

**Civil Writ Petition No. 9125 of 2018 (O&M)  
Date of Decision: 19.12.2018**

Achhru Bansal

..... Petitioner

**Versus**

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Ms. Alka Chatrath, Advocate  
for the applicant-petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab  
for official respondent Nos. 1 & 2/State.

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**JASWANT SINGH, J.**

**C.M. No. 13271 of 2018**

Instant application moved by the counsel for applicant-petitioner is for placing on record the judgment dated 01.03.2017 (Annexure P-28) passed by this Court in ***CWP No. 9398 of 2016*** titled ***“Kamaldeep Versus State of Punjab and Others”*** which as per the contention covers the issue in favour of the petitioner.

Notice in present application was issued on 07.09.2018 with a direction to respondents to file reply in the main case as well aforesaid application by the adjourned date, i.e., 19.12.2018.

The respondent has opted not to file reply and present petition is disposed of with the able assistance of both the counsels.

**Application is allowed** and copy of judgment passed in aforesaid ***CWP No. 9398 of 2016*** is taken on record as **Annexure P-28**.

MAIN CASE

2. Through the instant petition, petitioner-Achhru Bansal, who applied for the post of Clerk under General Category, has sought quashing of selection list dated 26.06.2014 (**Annexure P-9**) to the extent of denial of eligibility of petitioner and order dated 04.08.2015 (**Annexure P-19**), whereby Punjab Subordinate Services Selection Board (for short 'Board') has rejected candidature of the petitioner against Advertisement No. 2/2013 dated 07.06.2013 (**Annexure P-3**) on the ground that degree from Manav Bharti University is not as per guidelines of UGC.

3. The petitioner joined three years' degree course at Manav Bharti University which has been established by Himachal Pradesh Government by Act 22 of 2009 as State Private University. The petitioner applied for the post of Clerk advertised by Board. The petitioner was not named in the selection list and an order dated 04.08.2015 (**P-19**) was passed holding that graduation degree from Manav Bharti University is not as per guidelines of UGC.

4. Counsel for the petitioner contended that degree of petitioner has been duly got verified by Punjabi University, Patiala as well as Bar Council of Punjab & Haryana so it is arbitrary and whimsical on the part of Board to hold that the petitioner has not obtained degree from University as per guidelines of UGC. The said University in response to inquiry of Punjabi University, Patiala as well Bar Council of Punjab & Haryana vide letter dated 09.12.2015 (**Annexure P-22**) and 18.07.2017 (**Annexure P-24**) has confirmed that the petitioner is registered in the University record and marks sheet and degree certificate was issued by University. She further

contended that petitioner has passed degree through regular mode and

University was established by Himachal Pradesh Government by Act 22 of 2009. The University vide letter dated 03.11.2014 (**Annexure P-11**) has certified that petitioner has passed B.A. examination during the session of 2009-2012 as regular student and migration certificate was issued on 17.09.2018. She further relied upon judgment of this Court in the case of **“Kamaldeep Versus State of Punjab and others”** passed in **CWP No. 9398 of 2016 on 01.03.2017 (P-28)**.

5. Learned State counsel was unable to distinguish facts of present case from the findings of this Court in **Kamaldeep's case (supra)**.

6. After having scrutinized record of the case and hearing arguments of both the counsels, this Court finds that present case is fully covered by judgment of this Court in the case of **Kamaldeep (supra)**. In the present case like in the case of **Kamaldeep (supra)**, the petitioner obtained degree through regular mode and University is duly recognized by UGC. It is apt to notice that said University has been established by State Government as Private University, so its credentials cannot be doubted. Punjabi University, Patiala as well Bar Council of Punjab & Haryana have got verified degree of the petitioner so this Court finds it unable to agree with the Board to hold that degree was not obtained from a University as per guidelines of UGC.

7. This Court has no hesitation to hold that candidature of petitioner was wrongly rejected who has secured more marks than other selected candidates. Consequently, the action of the respondent not appointing him to the aforesaid post of “Clerk” is illegal, and therefore, set aside. Keeping in view the fact that selection list pertains to the year of 2014

quash entire selection list or appointment of respondent No. 3 (Rattan Singh). The respondents are directed to offer petitioner job of Clerk against any vacant post or create a supernumerary post.

Thus, present petition is **partly allowed** and official respondent Nos. 1 & 2 are **directed** to offer an appointment letter to petitioner to the post of Clerk within a period of four (04) weeks from the receipt of certified copy of the order, alongwith all consequential benefits of continuity of service, seniority etc. based on his secured merit with effect from his junior in merit was appointed, except monetary benefits, which shall be granted on notional basis.

**December 19, 2018**

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**( JASWANT SINGH )  
JUDGE**

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|----------------------------------|---------------|
| <i>Whether Speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |