

LPA No. 1863 of 2018 (O&M)

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

**LPA No. 1863 of 2018 (O&M)
Date of decision: 30.11.2018**

Mukesh Kumar

... Appellant

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Amit Jain, Advocate,
for the applicant-appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

CM-4832-LPA-2018

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 64 days in filing the accompanying appeal is condoned.

Application stands disposed of.

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This intra-court appeal, under Clause X of the Letters Patent, has been filed by the petitioner-appellant, challenging the judgment and

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order dated 24.7.2018, passed by the learned Single Judge, dismissing his writ petition.

The appellant-petitioner, who was a candidate for the post of Assistant Professor (College Cadre), Haryana, invoked the jurisdiction of this Court under Article 226 of the Constitution of India, seeking a direction to the respondents to add marks for Ph.D degree to his score in order to bring him within the zone of consideration.

It is an admitted fact that the interview letter issued to him, dated 6.12.2017, apart from other documents, also required him to produce the degree of Ph.D and to submit a certificate from the competent authority with respect to the fact that the said Ph.D. degree was in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of Ph.D Degree) Regulation 2009. Admittedly, the petitioner, at the time of interview, produced only the Ph.D degree and not the certificate, as he was required to do so. Accordingly, weightage of the marks for the Ph.D degree was not awarded to him. After the selection process was over, petitioner-appellant obtained the requisite certificate and produced it before the authorities and thereafter filed the instant writ petition, which has been dismissed by the learned Single Judge.

We do not find any infirmity in the view taken by the learned Single Judge in dismissing the writ petition in as much as the appellant-petitioner cannot be permitted to draw advantage on the basis of some document, which he was under obligation to produce at the time of interview, but failed to do so. The documents required in the interview letter were to be produced at the time of interview itself, i.e. on 13.12.2017, and a certificate obtained by him on 5.1.2018 would not enure to his benefit, after

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everything, including the selection and appointment, was over. No illegality or error is reflected from the impugned judgment passed by the learned Single Judge, which may require interference.

The appeal is, thus, devoid of merit and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

November 30, 2018
AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: NO