

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP NO. 16047 of 2015(O&M)  
DATE OF DECISION : 29.03.2019

Arun Tanwar

... Petitioner

versus

Punjab State Civil Supply Corporation Ltd.

... Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ashok Sharma Nabhewala, Advocate,  
for the petitioner.

Mr. Anil Sharma, Advocate  
for the respondent.

ARUN MONGA, J. (ORAL)

1. Through the instant writ petition, the petitioner is seeking issuance of directions to the respondent, to appoint him to the post of Inspector Grade-II, contending that he is the more meritorious than the candidates who were appointed.

2. Per contra, the respondent has filed a short reply and the relevant whereof is extracted below:-

*“5. That as per the advertisement the minimum educational qualification required for the post of Inspector Grade-II is graduation with 50% marks. The relevant clause no.13 of the advertisement reads as under:-*

*“Bachelor's Degree with minimum 50% marks from a recognized University”*

6. *That as per the declaration given by the petitioner, it has*

*been specifically declared that he possesses essential qualification with requisite percentage and relevant experience for the post selected and it is further certified that the information given is correct to the best of his knowledge. The photo copy of the application form is attached herewith as Annexure R1/1.*

7. *That though the petitioner belongs to reserved category (ESM SC). But so far as the minimum education qualification is concerned there is no relaxation and it is further submitted that as per the advertisement, the minimum qualifying marks are 45% for the general category and 40% for the reserved category in the competitive examination. In the instant case from the reading of Annexure P-4, as per the graduation certificate attached by the petitioner, it is clear that the petitioner has obtained 1081 marks out of total 2400 marks and as such does not fulfill the minimum educational qualification (50% marks in graduation) required for appearing in the competitive exam for the post of Inspector Grade-II.*

8. *That the petitioner was allowed to sit in the competitive exam on the basis of the declaration submitted by him showing him to be fully eligible and having the requisite education qualification as per the advertisement. Accordingly, the petitioner was allowed to appear in the exam and secured 89/100 marks and as such was called for counseling on 27.05.2015. It is only on the scrutiny of the documents at the time of counseling, it transpired that the petitioner was not having the basic requisite education qualification to be eligible to appear in the exam for the post of Inspector Grade II. So, the petitioner was not rightly selected as per the terms and conditions of the advertisement.”*

3. The above stand of the respondent is not controverted by the petitioner by filing any replication. Since the petitioner is lacking the pre-requisite educational qualification to apply for the post of Inspector Grade-II, he cannot claim his appointment to the said post only on the basis of examination, as a matter of right.

4. In view of the above, the writ petition is dismissed.

**(ARUN MONGA)**  
**JUDGE**

**March 29, 2019**  
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|--------------------------------|---------|
| 1. Whether speaking/ reasoned: | Yes/ No |
| 2. Whether reportable:         | Yes/ No |