

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
102

CWP-19059-2015

Date of decision: 08.05.2019

RAJENDER SINGH ALIAS REJENDER KUMAR

...PETITIONER

VS.

COMMISSIONER AMBALA DIVISION, AMBALA AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 10.09.2015, following order was passed by this Court:-

“ Counsel for the petitioner, inter alia, contends that the official respondents have declined to appoint the petitioner as Chowkidar of the village only on the ground that he is 8th class pass, whereas according to the official respondents, he should have been 10th class pass. While referring to Annexures P-6 & P-7, it is submitted that his certificate of 10th class has not been considered by the official respondents at the time of passing of the impugned order(s).

Notice of motion for 03.11.2015.

In the meantime, further proceedings shall remain stayed.”

In pursuance to the said order, when the case came up for hearing before this Court on 22.05.2017, following order was passed by this Court:-

“ Learned counsel for the petitioner submits that while submitting the application for being appointed to the post of Chowkidar, the petitioner had enclosed 10th class pass certificate, but on going through the orders of the Sub Divisional Magistrate and the Collector, there is no reference to such certificate.

In order to appreciate the controversy, let the record pertaining to the application submitted by the petitioner for appointment on such post be called for 12.9.2017.”

In pursuance to the said order, original records pertaining to the appointment to the post of Chowkidar have been produced in Court, which have been perused by me and a perusal of the same shows that no class 10th certificate was enclosed by the petitioner along with the application for appointment to the post of Chowkidar, as was asserted by the counsel for the petitioner in Court on 22.05.2017, rather there is a School Leaving Certificate dated 09.10.2013, which clearly indicates that he was studying in 7th class at that time. Apart from that, there is an application submitted by the petitioner dated 10.10.2013, wherein in para-4, it has been mentioned that the applicant has left his studies in 7th class. It has not been mentioned in the said application that he has passed his 10th class or has further studied after leaving his studies in 7th class.

In view of the above, this Court does not find any merit in the submissions, which have been made by the counsel for the petitioner which

stand recorded in the earlier orders dated 10.09.2015 and 22.05.2017 passed by this Court. Petitioner being ineligible for consideration for appointment to the post of Chowkidar has rightly not been appointed on the said post by the competent authority.

The writ petition, therefore, stands dismissed with ₹20,000/-, as costs, to be deposited with the High Court Legal Services Authority within a period of three weeks, failing which the Secretary/Director of the High Court Legal Services Authority shall move an application in this case.

May 08, 2019
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No