

LPA No. 1295 of 2019 (O&M)

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

**LPA No. 1295 of 2019 (O&M)
Date of decision: 30.08.2019**

Haryana Staff Selection Commission

... Appellant

Versus

Amit Kumar and others

... Respondents

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

Present: Mr. Deepak Balyan, Additional A.G. Haryana.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

CM-2813-LPA-2019

This is an application seeking condonation of delay of 115 days in re-filing the accompanying appeal.

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 115 days in re-filing the accompanying appeal is condoned.

Application stands disposed of.

CM-2814-LPA-2019

This is an application seeking condonation of delay of 18 days in filing the accompanying appeal.

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 18 days in filing the accompanying appeal is condoned.

Application stands disposed of.

LPA No. 1295 of 2019 (O&M)

-2-

This intra-court appeal, under Clause X of the Letters Patent, is directed against the order and judgment dated 15.12.2018, passed by the learned Single Judge, allowing the writ petition filed by the respondent-petitioner.

Facts required to be noticed, giving rise to the dispute, can be summarised as under.

In pursuance of the advertisement issued by the appellant-State inviting applications for the post of Constable (General Duty), petitioner was also one of the applicants in SC Category. A technical objection was raised by the appellant-University that since the petitioner did not upload his mark sheet with respect to B-Tech Degree, hence he was disqualified. At the time of making the application, pursuant to the advertisement, which was much prior to the cut-off date, the details of his B-Tech Degree and marks obtained from Maharishi Dayanand University, Rohtak, in the year 2015, were disclosed by the petitioner, and a certificate in this regard issued by the University, dated 30.4.2015, was also uploaded by the petitioner. Since the University did not issue the actual mark sheet within time, hence the same could not be uploaded, but was submitted subsequently.

The learned Single Judge finding that even though the detailed mark sheet has been issued subsequently on 06.7.2016, but the petitioner had cleared the examination on 25.4.2015 and total marks reflected in his application form and the certificate are the same as that in the detailed mark sheet, held that there was hardly any reason or occasion to non-suit the petitioner on this ground. We are also of the considered opinion that such a hyper technical view taken by the State in the matter is not tenable. Admittedly, the respondent-petitioner obtained the degree and the certificate

LPA No. 1295 of 2019 (O&M)

and also disclosed the marks. Since the manual process of issuing the actual mark sheet was delayed by the respondent-University, hence the petitioner cannot be faulted with.

In view of the above facts and discussion, we do not find any reason or ground to take a different view than the one taken by the learned Single Judge. The appeal is devoid of any merit and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

August 30, 2019
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO