

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

**CWP No.4886 of 2016 (O&M)
Date of Decision: 16.08.2019**

Rita Rani

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. B.S. Bajwa, Advocate,
for the petitioner.

Ms. Anju Sharma Kaushik, DAG Punjab.

Mr. Dheeraj Chawla, Advocate,
for respondent No.5.

JITENDRA CHAUHAN J.

CM-12694-CWP-2018

The application is allowed as prayed for. Written statement filed on behalf of respondent No.5 is taken on record subject to all just exceptions.

Main case

Through the instant civil writ petition, the petitioner seeks direction to respondent Nos.1 to 4 to consider her for appointment to the post of PGT Lecturer (Maths) and allot her station as per the merit.

It is submitted that in pursuance to advertisement

(Annexure P-1 colly), the petitioner had applied for the post of PGT Lecturer (Maths). Thereafter, the petitioner appeared before the respondents for scrutiny of documents. The petitioner submitted the certificate of dependant of ex-serviceman to the department. Thereafter, a formal merit list (Annexure P-5) was issued in which the name of the petitioner stood at Sr. No.5. The name of the petitioner also figured in the combined merit list. The petitioner was awarded 5 marks in the interview. Ultimately, a final merit list was prepared in which the name of the petitioner did not find mention despite her being higher in merit. She visited the office of the respondent Nos. 1 to 4 and she came to learn that she had been denied appointment as the certificate of ex-serviceman dependant does not contain the post for which she had applied. Thereafter, she moved a representation which was declined.

On the other hand, on behalf of the respondents, it is contended that there were two posts reserved for ex-serviceman General category. The last date for submission of the application was 27.11.2013. It was stipulated in the advertisement that the certificate must have been issued before the last date of submission of the application. The scrutiny of original documents was held on 05.08.2014 whereas, the Lineal Descendant certificate had been issued to the petitioner on 02.09.2014, therefore the candidature of the petitioner was rightly rejected.

Heard.

The sole objection raised by the respondent is that the LDC certificate did not reflect the name of the post for which the petitioner had applied. Thereafter, the petitioner validated her certificate with a new certificate dated 02.09.2014 for the post in question. The renewed certificate was accepted by the respondent-Department and she was allowed to appear in the counselling. Thereafter, the claim of the petitioner for appointment to the post in question was denied on the ground that the certificate does not mention the words “employment for the post of PGT Lecturer (Maths)”, rather it mentions “employment for the post of B.Ed. (Science Teacher) in the office of Education Department”. In order to remove the objection raised by the respondents, the petitioner submitted a fresh certificate dated 02.09.2014. This Court is unable to appreciate the logic behind raising the objection that the certificate Annexure P-4 which was submitted well in time does not bear the name of the post applied for. It is hereby observed that the Lineal Descendant Certificate is issued to the ward of an ex-serviceman just to show the relationship between the ex-serviceman and the dependant. It does not have any relation or business with the post to be applied for. The petitioner is higher in merit than respondent No.5. The legitimate claim of the petitioner has been denied to her by the respondents-department on the ground that cannot stand the test of judicial scrutiny.

In view of the above, the present civil writ petition is allowed. The respondents are directed to appoint the petitioner on the

post of PGT Lecturer (Maths) with all consequential benefits. The necessary exercise be completed within a period of 2 months from the date of receipt of certified copy of the judgment.

16.08.2019.

SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No