

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

**CWP-5873-2016(O&M)
Date of decision-01.03.2019**

Tarsem Raj

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Shaguna Arora, Advocate for
Mr. R.K. Arora, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of certiorari for quashing the part of memo dated 02.11.2015 (Annexure P-9) whereby the claim of the petitioner for promotion to the post of Lecturer was declined.

Learned counsel appearing for the petitioner submits that the petitioner had obtained the Degree of Master of Arts from The Himachal Pradesh University in the subject of English in September, 2009 (Annexure P-6). The same was done directly and within the jurisdiction of the State of Himachal Pradesh, by taking examination at Government College, Dharamshala, which would be clear from the certificate dated 03.03.2016 (Annexure P-8). It is, accordingly, submitted that the bar under Clause 6 of the letter dated 02.11.2015 (Anneuxre P-9) would not apply to the petitioner. However, in spite of the same, the petitioner's case for promotion was forwarded for the post of Lecturer.

Reliance is also placed upon the decision of this Court in '*CWP-25049-2015 titled Rajinder Kumar & another Vs. State of Punjab and others*' wherein that petition was disposed of with a direction to the respondents to consider the validity of the certificate of the petitioners and to grant necessary benefit in case it is found valid. Learned counsel for the petitioners further submits that at this stage he will be satisfied in case the present petition is disposed of in terms of the decision rendered in CWP-25049-2015 (*ibid*).

Learned State counsel is not averse to the suggestion put forth by the learned counsel appearing on behalf of the petitioner.

Heard.

In view of the above, without advert to the merits of the case, the present petition is disposed of in terms of the decision rendered in CWP-25049-2015 with a direction to the respondents to consider the validity of the said certificate and if it is found valid document then grant necessary benefit against the same at the time of determining the seniority and promotion of the petitioner. The necessary exercise be done within six weeks from the receipt of the certified copy of the judgment. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible, in such eventuality, a speaking order be passed in the matter.

01.03.2019

ps-I

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No