

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

L.P.A. No.1548 of 2016 in
Civil Writ Petition No.4679 of 2014
Reserved on : August 17, 2019
Date of decision: September 19, 2019

Neeraj Saini

...Appellant

Versus

Guru Jambheshwar University, Hisar and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Sameer Sachdeva, Advocate for the appellant.

Mr. Arvind Seth, Advocate for respondents No.1 & 2.

Mr. Amrit Paul, Advocate for respondent No.3.

Mr. Gagandeep Singh Wasu, Addl. A.G., Haryana.

HARINDER SINGH SIDHU, J.

1. This Letters Patent Appeal has been filed against the judgment dated 24.05.2016 in CWP No.4679 of 2014 titled as “Neeraj Saini vs. Guru Jambheshwar University and others” whereby the writ petition filed by the appellant was dismissed.
2. The appellant had filed the Writ Petition for quashing the appointment dated 06.11.2013 of respondent No.3 as Assistant Professor in Electronics and Communications in respondent No.1-University in the Ex-serviceman Dependent Category.
3. The appellant had also applied for the said single post in the Ex-serviceman Dependent Category. Respondent No.3 was selected. The

appellant was at No.1 in the waiting list.

4. The case of the appellant was that the Dependent Certificate of respondent No.3 was invalid. It was his contention that she could not be considered in the Ex-servicemen Dependent Category as she was married and her husband was working as Sub Divisional Officer. Reliance was placed on the format of the eligibility certificate (Annexure P-8) required to be submitted by the candidates. As per this format the candidate was required to certify that the father/husband of the applicant is not in State Government/Central Government/PSU Employee.

5. The respondent University justified the appointment of respondent No.3 relying on a decision of this Court in CWP No.18110 of 2009 titled as Jai Narain Jakhar vs. State of Haryana and others, decided on 19.10.2011, wherein a Division Bench of this Court struck down Clause(f) of the Policy dated 11.10.2001, which was as under:-

“(f) Married dependent son of Ex-servicemen who does not have independent source of livelihood will also be eligible for dependent certificate. Married daughter of an Ex-servicemen is not eligible for dependent certificate.”

The Court directed that Clause (f) be read as under:-

“(f) Married dependent son or married daughter of Ex-servicemen who does not have independent source of livelihood will also be eligible for dependent certificate.”

6. The Rajya Sainik Board, Haryana had thereafter issued letter to all Zila Sainik Board to comply with the said judgment. In view of the said decision a married daughter of an Ex-serviceman who had no independent

source of income is also eligible for dependent certificate.

7. In view of the aforesaid judgment, the learned Single Judge concluded that it could not be said that the dependent certificate issued to respondent No.3 was invalid because she was married and her husband was working as SDO.

8. The learned Single Judge also took into account the comparative academic record of the respondent No.3 *vis-a-vis* the appellant, where also respondent No.3 stole a march over the appellant. Respondent no.3 had done her B.Tech Degree in Electronics and Technology in 2008 from Kurukshetra University, Kurukshetra in First division with Honours. She also possessed Master Degree in Engineering from Birla Institute of Technology and Science, Pilani in 2012 in the first division. She had passed GATE 2013 vide certificate dated 15.03.2013. She did her internship at Intel Technology Private Limited, Bangalore from 06.07.2011 to 14.12.2011 vide certificate dated 14.12.2011.

9. Accordingly the writ petition was dismissed.

10. There is no illegality or infirmity in the judgment. Hence, the appeal is dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

September 19, 2019

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No