

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.4905 of 2020(O&M)

Reserved on: 16.12.2022

Date of Decision: 22.12.2022

Dilraj Singh

...Petitioner

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Ekakshra Mahajan Mandhar, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

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JAISHREE THAKUR J.

1. The present writ petition has been filed seeking to challenge order dated 17.09.2019 passed by respondent No.4-Senior Superintendent of Police, Amritsar (Rural) whereby appointment of the petitioner as Sub Inspector has been cancelled and the employment of the petitioner stands terminated.
2. In brief, the facts are that the petitioner was appointed on the post of Sub Inspector as a special case vide appointment letter dated 20.12.2017. The police verification of the petitioner was done and certificates qua his qualification of 10th and 12th were found correct. However, the petitioner failed to submit his graduation degree with respondents, even though detailed mark-sheets of all three years had been supplied. On account of not submitting his graduation degree, appointment of the petitioner stood cancelled, which order is under challenge in the present writ petition.
3. Learned counsel appearing for the petitioner would argue that there was no concealment of fact on the part of the petitioner. The petitioner had completed his graduation from Karnataka State Open University and had supplied his detailed mark-sheets to the respondents at the time when his

documents were being scrutinized. The Karnataka State Open University was a recognized University at the time when the petitioner took admission therein i.e. in the year 2011-2012 and completed his graduation from there. However, University Grants Commission, New Delhi de-recognized the University w.e.f. 2013-2014 and that is why the degree was not issued as no convocation was held. It was further argued that the University has since been recognized. She would rely upon the judgment as rendered in *Suresh Pal and others Vs. State of Haryana and others (1987) 2 SCC 445* to argue that if the course is recognized when a candidate joins, subsequent de-recognition would not become a cause for denying the benefit of appointment. Further reliance has been placed upon judgment rendered in *Suman Lata and others Vs. State of Haryana 2007 SCC OnLine P&H 1716* wherein the issue that came up for consideration was whether appointment can be offered, if the Diploma Certificate of Arts and Crafts issued by the Kurukshetra University is not recognized. Petitioners therein had submitted that they had secured two years Diploma in Arts and Crafts from Kurukshetra University, Kurukshetra but the same was not recognized. The writ petitions were disposed of by taking note of the fact that subsequently the Diploma in Arts and Crafts conducted by the Kurukshetra University was recognized and therefore, the petitioners were held eligible to be considered for appointment to the post of Arts and Crafts Teachers on the strength of the diplomas issued by the Kurukshetra University.

4. Per contra, learned counsel appearing for the respondent-State would argue that the petitioner herein had been offered appointment and in terms of the appointment letter, he was to produce his graduation degree from the Karnataka State Open University, which degree was never produced. Consequently, the respondent-State had no option but to terminate his service.

5. I have heard learned counsel for the parties and with their assistance have gone through the pleadings of the case.

6. Admittedly, the petitioner herein had been offered appointment as a special case, as would be evident from appointment order dated 22.12.2017 (Annexure P-2). A reading of the said order would reflect that the appointment letter was issued on the condition that if anything is found adverse in medical/CID/Police verification and educational qualification, he will be terminated. The said appointment order also notes that letter had been sent to the Registrar, Karnataka State Open University, Mukthagangotri, Mysore for verification of B.A. degree. The detailed mark-sheets of the petitioners are available on record as Annexure P-3 to P-5 for the examinations conducted for B.A. 1st year in April/May 2012, for 2nd year in April/May 2013 and for 3rd year in April, 2014. As per the information made available to the respondent-State, at the time of admission of the petitioner, Karnataka State Open University was recognized by UGC. It is only on account of the fact that the petitioner has not been able to produce his degree, his service stood terminated.

7. The petitioner had sought admission in Karnataka Open State University when the said University was recognized and therefore, the petitioner could not be made to suffer on account of de-recognition of the University in the year 2014. It is admitted position that he completed his B.A. degree course and submitted relevant documents, which were found to be in order. Therefore, it cannot be said that the petitioner herein obtained appointment on fraudulent grounds. Moreover, it is pertinent to note that the said University has already been recognized by UGC and therefore, the ratio of the judgment as rendered by this Court in *Suman Lata's case* (supra) would be applicable. It is worthwhile to note that in the said judgment a Full Bench judgment rendered in *Neelam Kumari Vs. State of Punjab, 1993(1) RSJ 327* has been referred wherein it was observed

that when the petitioner completed the course and applied for job and such certificates were recognized by the State of Punjab and if subsequently the State of Punjab decided to de-recognize such certificates, same would be prospectively and will not apply retrospectively. Even in the case of *Sandhya Singh v. Punjabi University, Patiala 2001 (2) RSJ 240*, the question before the Division Bench of this High Court was whether the cancellation of admission of the petitioner, who had done her 10+2 examination from the Bihar Intermediate Education Council, which was derecognised, was justified? On the strength of her examination, she got admission in 5 years LL.B. course, however, the University cancelled her admission on de-recognition of said Council and it was held that de-recognition relating to bar of eligibility clause can be given effect prospectively. The eligibility of candidate is to be determined on last date of submission of application and since at the time when petitioner joined the course, Board was recognised, the cancellation of admission of petitioner was not sustainable in law. Applying said ratio to the present case, where the petitioner had taken admission in the Karnataka State Open University when the same was recognized and undertook 2nd year examination in the month of April/May 2013 when it came to be de-recognised subsequently, he cannot be faulted if the Karnataka State Open University was subsequently derecognised. As a matter of fact, now Karnataka State Open University has been given recognition.

8. In view of the aforesaid facts and circumstances, the instant writ petition stands allowed and the impugned order dated 17.09.2019 is set aside. The petitioner is ordered to be reinstated in service with all consequential benefits.

(JAISHREE THAKUR)
JUDGE

December 22, 2022

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No