

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

CWP No.16876 of 2012 (O&M)

Reserved on:22.11.2022.

Date of Decision.16.12.2022

Pardeep Kumar

...Petitioner

Vs

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Mohit Kapoor, Addl. A.G., Punjab.

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**JAISHREE THAKUR J**

1. This writ petition has been filed under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction, especially in the nature of mandamus, directing the respondents No.1 to 3 to appoint the petitioner as Constable in the Punjab Police against the vacancies advertised, keeping in view the fact that persons lower in merit than the petitioner have already been appointed as Constables.

2. Brief facts, as culled from pleadings, are that 5578 posts of Constables were advertised in Punjab District Police Cadre, out of which 485 posts of Constables were for Jalandhar District and for District Hoshiarpur, 145 posts were allocated. The petitioner being eligible for the said posts, applied in the District Police Cadre of Districts Jalandhar and Hoshiarpur under BC Category. As per the result the petitioner stood at merit No.126 out of 236 candidates, which were selected in District Jalandhar. For District Hoshiarpur, though the petitioner applied under BC category, he was selected under General category and was placed at Merit

No.49 out of 74 candidates. After being selected, petitioner was sent to Civil Surgeon, Hoshiarpur for medical examination and all his original educational certificates were deposited in the office of respondent No.4. However, instead of issuing appointment letter to the petitioner, respondent No.4 sent a communication to the Vice Chancellor of Dr. C.V. Raman University, Bilaspur to verify the authenticity of the BCA degree obtained by the petitioner from the said University. Vide letter dated 04.10.2011, the Vice Chancellor verified the BCA degree of the petitioner to be genuine and correct. However, despite the said fact, till date appointment letter has not been issued to the petitioner. Aggrieved by non-issuance of appointment letter to the petitioner despite being in merit, petitioner submitted various representation to the respondents but all in vain. Hence, writ petition.

3. Learned counsel appearing for the petitioner would contend that despite being in merit both in District Jalandhar as well as in District Hoshiarpur, appointment letter has not been issued to the petitioner. The degree of BCA obtained by the petitioner from Dr. C.V. Raman University, Bilaspur has been verified to be genuine by the Vice Chancellor and therefore, there is no justifiable ground available for the respondents for not issuing appointment letter to the petitioner. It is further argued that even if the said degree is not taken into account, the petitioner would have necessary marks to make him eligible for appointment at Jalandhar where the last selected candidate has obtained 26.41 marks whereas the petitioner has obtained 29.50 (inclusive of three marks for BCA degree) and even three marks are not awarded to him, still he has 26.50 marks i.e. higher than the last selected candidate. Learned counsel also placed reliance upon the judgment passed by this Court in CWP No.11049 of 2017 titled as

*Karamjeet Kaur Vs. State of Punjab and another* decided on 06.06.2019 to contend that in case where candidate has obtained a degree by attending the PCPs and has undertaken exams in the main campus or within the State where the University (as defined under Section 2 (f) and Section 3 of UGC Act) is situated, in that case their degree shall be valid, as no question of territorial jurisdiction arises. The petitioner undertook examination in main campus of Dr. C.V. Raman University, Bilaspur (Chhattisgarh) and therefore, his case is squarely covered by the aforesaid judgment.

4. Per contra, learned counsel appearing for the respondent-State would argue that vide letter dated January, 2012, the University Grants Commission intimated that Dr. C.V. Raman University Bilaspur (Chhattisgarh) has been established by Act of State Legislature as Private Universities and is empowered to award degree as specified by UGC under Section 22 of the UGC Act, 1956 at its main campus in regular mode with the approval of statutory bodies/councils, wherever required. It was further intimated that aforesaid University is not authorized to open study centre/off campus centre beyond the territorial jurisdiction of the State as per judgment of the Hon'ble Supreme Court in *Prof. Yash Pal Vs. State of Chhattisgarh (2005) 5 SCC 420*. The petitioner himself admitted that he attended classes at Regional College, Gurdaspur and only undertook examinations at University Campus at Bilaspur. Therefore, degree of BCA obtained by the petitioner from Dr. C.V. Raman University, Bilaspur, Chhattisgarh cannot be looked into while awarding him additional marks for higher qualification. It is further argued that in District Hoshiapur, the last selected candidate had obtained 27.50 marks under BC Category and in General Category, the last cut-off was 28 marks. The petitioner secured 26 marks (exclusive marks of

BCA degree) and therefore, is not entitled for appointment in any of two categories. As regards Jalandhar District, petitioner had secured 26.50 marks (exclusive marks of BCA degree) and though he was in the zone of consideration for selection to the post of Constable but had given a self-declaration showing his unwillingness to join at Jalandhar District as he also got selected in Hoshiarpur District. However, subsequently, due to the fact that his BCA degree was found invalid, the petitioner became ineligible to be offered appointment in Hoshiarpur District.

5. I have heard learned counsel for the parties and have perused the paper book.

6. Admittedly, the petitioner herein had applied for the post of Constable in Jalandhar and Hoshiarpur Districts. It is also admitted fact that in both Districts, he found place in merit. Though in Jalandhar District, he had applied in Backward Class category but found his place in merit list of General Category and in District Hoshiarpur, in Backward Class with caveat of addition of 3 additional marks of his BCA degree, which he obtained from Dr. C.V. Raman University, Bilaspur, Chhattisgarh.

7. The short question which requires consideration in the instant case is whether degree of BCA obtained by the petitioner from Dr. C.V. Raman University, Bilaspur, Chhattisgarh is a valid degree, making the petitioner eligible to claim three additional marks for higher qualification, and the answer of which is in negative. Admittedly, Dr. C.V. Raman University, Bilaspur, Chhattisgarh is a private University. In pursuance to information sought by the respondent-State with regard to verification of degree obtained by the petitioner, it was informed by the UGC that a private university is not authorized to open study centre/off campus centre beyond the territorial

jurisdiction of the State. As per letter written by UGC (Annexure R1), the aforesaid University cannot open its centre even within the State as per provisions of UGC Regulations, 2003 without approval of UGC and is empowered to award degrees at the main campus in regular mode only. Though the petitioner had undertaken examinations at campus of said University but he has himself admitted that he had attended classes of BCA in Regional College, Gurdaspur in online mode, which is not permissible, therefore, as per the letter (Annexure R-1) issued by the UGC, petitioner would not be entitled for three additional marks for higher qualification of BCA. There is no material placed before this Court by the petitioner that Dr. C.V. Raman University, Bilaspur, Chhattisgarh is empowered to open its study centre within the State or outside State; nor any permission/approval placed on record granted by DEC/AICTE/UGC. Furthermore, the judgment relied upon by the petitioner in *Karamjeet Kaur's case* (supra) is under challenge in intra-court appeals before Division Bench of this Court, which are pending consideration. In the absence of any material placed before this Court in support of contention raised by the petitioner qua validity of the degree of BCA obtained by the petitioner from Dr. C.V. Raman University, Bilaspur, Chhattisgarh and gaining additional marks, this Court is helpless in granting any relief to the petitioner. Therefore, claim of the petitioner as regards offer of appointment to the post of Constable in Hoshiarpur District under BC category fails, as he is not able to make cut-off under the said category.

8. Counsel for the petitioner argued that even if the petitioner is not awarded marks of BCA degree obtained by him, even then he is entitled for appointment in Jalandhar District, as under BC Category the last selected

candidate scored 26.41 marks whereas the petitioner has 26.50 marks. The argument of respondent-State that the petitioner had refused to accept offer of appointment at Jalandhar District is not sustainable, as despite a specific direction given by this Court vide order dated 02.05.2022 to place on record any communication regarding non-acceptance of offer of appointment by the petitioner at Jalandhar District, no document has been placed on record. As per the merit list obtained under the RTI Act qua recruitment of Male Constables-2010 (General-Open) & BC (Open), it is crystal clear that even in case the petitioner is not awarded three marks of his BCA degree, his total marks would be 26.50 whereas the last selected candidate under BC category has scored 26.41 marks, thus, the petitioner is duly entitled for appointment to the post of Constable under BC category in District Jalandhar. A further perusal of the said list would also reveal that against the name of petitioner in column of remarks, it is written as 'ACCEPTED' as it is written against name of every other candidate, meaning thereby, petitioner never refused to accept offer of appointment in District Jalandhar itself.

9. In view of the aforesaid facts and circumstances, the writ petition stands allowed. The respondent-State is directed to offer appointment to the post of Constable in BC Category with all consequential benefits, subject to fulfilment of other eligibility conditions within a period of two weeks from the date of receipt of certified copy of this order.

**(JAISHREE THAKUR)**  
**JUDGE**

**December 16, 2022**

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|---------|---------------------------|-----|
| Pankaj* | Whether speaking/reasoned | Yes |
|         | Whether reportable        | No  |