

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

CWP-4432-2023
Date of decision : 03.03.2023

Manik Setia
.....Petitioner

Versus

State of Punjab and others
...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Aminder Singh, Advocate for the petitioner.

 Mr. Sehajbir S. Aulakh, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

Challenge is to the order dated 19th of January, 2023 (Annexure P-9) whereby the candidature of the petitioner has been rejected. The recorded reason in the speaking order for rejection of the petitioner's candidature is reproduced hereunder :-

Remarks by experts	Comments as per record
The experience certificate issued by M/s Kenway College of Education is without any supporting documents like Bank account statement where the salary was being credited, form-16, ESI/EPF statement etc. to prove the genuineness of the experience submitted.	Candidate was given chance to upload the additional documents through portal
Candidate was given opportunity to provide additional documents but no supporting document, as required, was provided to establish the length of experience and genuineness of the experience certificate	Mail Communication sent on 27.05.2022 for upload of additional document.
	Rejected, Supporting Document Submitted Are Inadequate To Establish Length Of Experience.

Counsel for the petitioner has taken this Court to the documents appended along with the writ petition (Annexure P-11 Colly.) which includes petitioner's bank statements showing credit of salary of

Rs.21,600/- per month for the period 1st of April, 2019 onwards, Form 16 dated 15th of July, 2021 showing the name of the employer as 'Kenway Educational & Welfare Society'. Likewise the statement of EPF issued by Employees Provident Fund Organization dated 25th of February, 2013 has also been placed on record.

State Counsel who appears on advance notice submits that all these statements are matter of evidence and thus writ jurisdiction cannot be exercised.

The aforesaid argument raised is misconceived and fallacious. The petitioner despite being in possession of all the documents as demanded is being denied his legitimate claim.

Resultantly, the respondents are directed to reconsider the claim of the petitioner in the light of the documents attached. The petitioner shall appear before the Committee on **21st of March, 2023** along with all the documents. The Committee shall consider the documents and decide accordingly.

The present writ petition is allowed in the aforesaid terms with costs of Rs.10,000/- as the petitioner has been unduly saddled with the cost of approaching this Court despite him being in possession of all the documents.

March 03, 2023

Dpr

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No