

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13019-2013 (O&M)
Date of decision: 15.02.2023

SUKHDEV SINGH AND ANR

..Petitioner

Versus

STATE OF PUNJAB AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioners.

Mr. R.K. Kapoor, Addl. A.G. Punjab.

ANIL KSHETARPAL, J(Oral)

1. The petitioners pray for the issuance of a writ in the nature of certiorari to quash the orders dated 13.09.2012 and 17.07.2012, respectively, whereby their applications for appointment to the post of Beldars were rejected.

2. The recruitment notice was issued on 31.12.2006. The writ petition was filed in the year 2013. As per Clause-2 of the recruitment notice, the candidates claiming appointments as handicapped were required to submit a medical certificate that the candidate is fit for that post for which he is applying. Clause-2 of the recruitment notice reads as under:-

“Certified copies of the certificates regarding handicapped and regarding the proof of its extent issued by the Civil Surgeon of the District where the applicant is permanent residing be enclosed with the application. It

should be stated in the medical certificate that the applicant is fit for that post for which he is applying.”

3. The petitioners submitted their applications along with certificate from the Assistant Civil Surgeon, Muktsar to the effect that the petitioners are fit for the civil services. However, no certificate to the effect that the petitioners are fit to be employed as a Beldar was submitted which led to rejection of their candidature. The petitioners are stated to have applied under the Right to Information Act, 2005 and on coming to know of rejection of their candidature filed the writ petition in the year 2013.

4. This Court with the able assistance of the learned counsel representing the petitioners has examined the certificates dated 17.01.2007 and 23.01.2007. It is evident that both the petitioners are suffering from disability in their respective arms. The Beldars are engaged in order to do physical job. The competent authority, at the relevant time, found that since certificates produced by the petitioners do not certify that the petitioners are fit to be recruited as Beldars as required in the recruitment notice, rejected their candidature on the said ground.

5. The learned counsel representing the petitioners submits that the Civil Surgeon on 17.01.2014 has issued a certificate that the petitioners are fit to be employed as Beldars. These certificates relate to 8 years post the date of consideration by the appointing authority. Hence, the aforesaid certificates cannot be made a basis to set aside the decision taken by the competent authority at the relevant time.

6. Thus, this Court does not find it appropriate to exercise the extra-ordinary writ jurisdiction.

7. Dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

February 15, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*