

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-14578-CWP-2023 in/and
CWP-13871-2016 (O&M)
Date of Decision: 13.09.2023

Alwinder Mohan

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. R.S. Kalra, Advocate, for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner has moved application pointing out that this Court has passed an order in *CWP-8065-2015 in Harpreet Kaur vs. Subordinate Services Selection Board, Punjab* decided on 22.08.2023, whereby the said writ petition was allowed.
2. The case of the petitioner is identical on facts, and the prayer is also same.
3. Learned counsel for the State fairly concedes that the issue involved is same as decided by this Court in *Harpreet Kaur* (supra).
4. Taking into consideration that the petitioner has also undergone the same course as *Harpreet Kaur* (supra) from the same deemed university and his rejection is also of the same date i.e. 17.03.2015 on the ground that he had passed his graduation from deemed university, this Court is satisfied that the facts are same, and therefore this writ petition shall stand allowed in terms as that of *Harpreet Kaur* (supra) wherein this Court passed the following order:

“9. This Court finds that the entire basis of denial of appointment to the petitioner is solely because the deemed university had

an examination centre set up at Sirsa. The respondents have confused the examination centre and a study centre as the same. While an examination centre may be at any place in any different State also, so far as study centres are concerned, they cannot be allowed to operate beyond the limits of that particular State where the University or the Deemed University is established. That means that unless there is a recognition for establishing a distance education programme, study centre beyond the State cannot be allowed to operate. However, in the present case, the petitioner has appeared in the examination from an examination centre at Sirsa as has been pointed out by the respondents themselves. The same has been equated to that of study centre to deny the petitioner her rightful claim which cannot be allowed. The action of the respondents therefore cannot be sustained in law.

10. The petitioner's qualification obtained from a deemed university has to be treated as fully recognized and accordingly as per her merit, she would be entitled for appointment as a clerk under the said advertisement where she applied and has passed the same.

11. It is admitted position that persons lesser in merit to the petitioner have already been given appointment. In view thereof, this Writ Petition is allowed. The respondents are directed to consider the case of the petitioner for appointment on the post of clerk and her appointment shall be deemed from the date her juniors were appointed granting her the benefit of seniority and continuity of service from the said date. However the benefits shall be purely notional and actual benefits should be given from the date of passing of the present order.

12. Compliance shall be made within a period of one month from today.

13. Writ Petition stands allowed."

- 5. Accordingly, the present writ petition is **allowed** in aforesaid terms.
- 6. Pending application(s), if any, also stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

September 13, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |