

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

103

2023:PHHC:069756

**CWP-315-2012 (O&M)  
Date of decision: 15.05.2023**

**RAWINDER SHARMA**

**..Petitioner**

**Versus**

**STATE OF PUNJAB & ORS.**

**..Respondent**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Dhiraj Chawla, Advocate  
for the petitioner.

Mr. Vikas Arora, AAG, Punjab.

Ms. Mamta Malik, Advocate  
for respondent No.4, 5, 6, 13 and 14.

Mr. Aakash Singla, Advocate  
for respondent No.11, 16 & 17.

**ANIL KSHETARPAL, J(Oral)**

1. The petitioner prays for the issuance of a writ in the nature of certiorari to quash the action of the respondent in reducing the marks of the petitioner from 65.22% to 55.2286%.

2. In order to comprehend the controversy involved in the present writ petition, relevant facts, in brief, are required to be noticed, which are as follows:-

A common recruitment notice was issued on 23.09.2009 inviting applications to fill up 513 posts of lecturer in various subjects and 6100 posts of vocational masters and mistresses in various subjects. In the recruitment notice, it was provided that the selection will be based on the merit prepared by calculating the percentage of marks obtained in the prescribed basic and professional qualification and higher qualification and experience counter signed by the concerned District Education Officer or by the competent authority. It was also provided that for the post-graduation

degree, the candidate shall be entitled to 6 marks, whereas, for M.Phil and P.hd., the candidate shall be entitled to 8 and 10 marks, respectively. The petitioner applied for post of vocational master (mechanical). He claimed additional marks for higher qualifications namely B.A. and M.A. The respondents refused to grant additional marks to the petitioner for higher qualification on the ground that the higher qualification is not in the concerned subject. It has been brought to the notice of the Court that a corrigendum was issued on 06.12.2009 clarifying that the marks for higher qualification shall be given only if the candidate has passed the higher qualification in the relevant subject. This corrigendum was issued while extending the last date for submitting the application.

3. The learned counsel representing the petitioner while referring to the recruitment notice and Annexure P-8 submits that higher qualification of B.A. and M.A. has been wrongly ignored. He further submits that as many as 7 ineligible candidates have been selected. He further submits that another candidate with lower marks than the last selected candidate has been appointed.

4. On the other hand, the learned counsel representing the State of Punjab has submitted that in absence of pleading, the State is unable to admit or deny the position.

5. As per the corrigendum issued on 06.12.2009, the petitioner is not entitled to additional marks for higher qualification. As already noticed, there was a joint recruitment notice for appointing candidate from different subjects. Hence, there was some ambiguity in the original recruitment notice which was clarified by corrigendum. Hence, the petitioner cannot take

the benefit of lack of clarity. Moreover, logically, the additional marks for higher qualification can be granted only if the candidate has higher qualification in the relevant subject. The higher qualification which is in the totally unrelated subjects would neither be appropriate nor plausible. As regards the 7 ineligible candidates, the State has already submitted that services of 2 ineligible candidate has been terminated, whereas, efforts to terminate the service of remaining 5 candidates is under way.

6. The learned counsel representing the State of Punjab has submitted that if the petitioner files a representation disclosing the name of the candidate who is lower in merit than the last selected candidate, the government will take appropriate action forthwith.

7. In view the aforesaid facts and discussion, no ground to issue the writ as prayed for, is made out.

8. Dismissed.

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

**May 15<sup>th</sup>, 2023**

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**(ANIL KSHETARPAL)  
JUDGE**

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