

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

205

**CWP-21383-2014 (O&M)
Date of decision: - 01.05.2023**

Paramjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Harinder Sharma, Advocate for the petitioner.

Mr. Vikas Arora, AAG, Punjab.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner prays for issuance of a writ in the nature of certiorari for quashing the order dated 21.01.2013 (Annexure P-8) passed by respondent No. 3 while rejecting herein candidature for the appointment to the post of Teaching Fellow.

2. In order to comprehend the controversy involved in the present case, relevant facts of the case are as under:-

“ On 5.09.2007, applications were invited for filling up the 9998 posts of Teaching Fellow on contract basis. As per recruitment notice, marks for teaching experience could only be granted, if the experience certificate is counter signed by the District Education Officer/competent authority. The relevant extract of the recruitment notice is as under:-

*“One mark for each competed year. No credit will be given to less than 6 months experience. Only that experience will be counted which is from a Government, Government Aided School, Government Recognized School and the Schools affiliated with Punjab School Education Board or C.B.S.E. and I.C.S.E. Experience will be counted after passing E.T.T./B.Ed. and from the date of affiliation of the school. **The experience certificate should be countersigned by the concerned District Education Officers/Competent Authority.**”*

3. On 20.04.2023, after hearing learned counsel representing the parties, following order was passed:

“ This Bench has heard the learned counsel representing the parties at length.

The question that arises for adjudication is, whether the requirement for an experience certificate to be countersigned by the District Education Officer/competent authority is satisfied if the said authorities state that the contents of certificate must be verified by the admitting authority?

The learned counsel representing the petitioner places significant reliance on the judgment passed by a Coordinate Bench in CWP-11445-2014, titled as “Jaspreet Kaur Vs. State of Punjab and others”, decided on 07.09.2017.

With the able assistance of the learned counsel representing the petitioner, this Court has gone through the aforesaid judgment. It is evident that the attention of the Bench was not drawn to the following note on the experience certificate:-

“The school is affiliated to Pb Sch.Edu. Board, SAS Nagar, since 2003-04 upto middle. However,

particulars of this certificate have to be verified by the admitting authority.

*Sd/-10.09.2017
Incharge (Affiliation)
Pb.Sch.Edu. Board
SAS Nagar (Ropar)
Sd/-10.09.2017”*

The learned counsel representing the petitioner prays for a short accommodation to examine the matter before assisting the Court.

List on 01.05.2023.”

4. Once again, learned counsel representing the petitioner has been heard at length. He submits that experience certificate of the petitioner and that of Jaspreet Kaur is similar and writ petition filed by Jaspreet Kaur has been allowed.

5. This Court has considered the submissions of the learned counsel representing the petitioner. In the recruitment notice, it is specifically provided that experience certificate should be signed by the competent authority. In the present case, experience certificate has been issued by the Head Master, United High School, Khem Karan, District Tarn Taran which is countersigned by Incharge (Affiliation), Punjab School Education Board. The experience certificate was not countersigned by the District Education Officer. The whole purpose to get the experience certificate countersigned from the competent authority is to avoid any fake claim. The recruitment notice specifically provided that countersignatures of the competent authority/District Education Officer is mandatory before the same is taken into consideration. From reading of the note appended to the countersignatures of the Incharge (Affiliation), it is evident that such certificate does not prove beyond doubt that the petitioner has

actually worked for the period with United High School, Khem Karan, District

Tarn Taran or not. Moreover, the requirement given in the recruitment notice are sacrosanct unless found to be arbitrary. Further, the recruitment notice was issued in the year 2007.

6. Keeping in view the aforesaid facts, no ground is made out to issue a writ. Hence, the present petition is dismissed.

01.05.2023
Harish Kumar

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No