

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.26687 of 2013 (O&M)

Date of Order:-08.05.2023

Dinesh Kumar

.Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kapil Kakkar, Advocate
for the petitioner.

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

Mr. Shekhar Verma, Advocate
for respondent no.2.

ANIL KSHETARPAL, J

1. On 24.04.2023, the following order was passed.-

“Arguments have been heard at some length. The services of the petitioner are sought to be dispensed with on the ground that he does not possess the minimum qualification.

In essence, the dispute is, “Whether qualification of Bachelor of Science with Computer Application as one of the subjects, is sufficient to fulfill the qualification of Bachelor of Computer Application?” The petitioner has continued to work for nearly last 13 years. In the meantime, he has also improved his qualification by completing the Post Graduation in Computer Application.

Keeping in view the aforesaid facts, the learned counsel representing respondent no.2 prays for a short accommodation to get complete instructions before assisting the Court.

List on 01.05.2023, in the urgent list.

Learned counsel representing respondent no.2 is directed to disclose the reasons as to why the aforesaid fact was overlooked by the Members of the Select Committee alongwith their names, on the date fixed.”

2. The learned counsel representing the State of Punjab admits that the result of the students studying under the petitioner is perfect i.e. 100%. It is also not in dispute that during all this while the petitioner has improved his qualification. Rather he is now a Post Graduate in Computer Application. He has also continued to work for nearly 13 years showing excellent performance.

3. Keeping in view the aforesaid facts, it would not be appropriate to direct the petitioner to go out of the service. In the peculiar facts of the case, this court is of the considered view that the interest of justice would be met if the petitioner, who has already served for 13 years, is allowed to continue in government owned Society.

4. Consequently, while deposing of the writ petition, a direction is issued to the respondents not to implement the order dated 28.11.2013.

5. With these observations, the writ petition is disposed of.

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

May 08, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO