

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4718 of 2013(O&M)
Date of decision: 06.02.2023

Jaspreet Kaur

..Petitioner

Versus

The State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.K.Walia, Advocate
for the petitioner.

Mr. Gurpreet Singh, Addl.A.G., Punjab.

Ms. Vandana Malhotra, Advocate
for respondent no.5.

ANIL KSHETARPAL, J(Oral)

C.M.No.13712-2015

Allowed as prayed for.

Annexure P-8 and P-9 are taken on record.

MAIN

1. The petitioner prays for the issuance of a writ in the nature of certiorari to declare that the action of the respondents in rejecting the residence certificate of the petitioner is arbitrary and illegal. Further prayer has been made to quash the appointment of the private respondents.

2. The petitioner applied to the post of Master/Mistress pursuant to the recruitment notice in the year 2009 in which 450 seats were earmarked for the Science Stream. As per the recruitment notice, the last date of eligibility was required to be examined on 09.10.2009.

3. The learned counsel representing the petitioner contends that while calculating the marks of the academic qualification, her M.Phil degree

has not been taken into consideration by the concerned authority. He submits that though the academic qualification was required to be seen on 09.10.2009, however, the petitioner had already appeared in the second semester examination of M.Phil in the year 2009, however, the result was declared subsequent to the recruitment notice.

4. On the other hand, the learned counsel representing the respondent-State submits that on the last date of submission of the application i.e. 09.10.2009, the petitioner did not attach any proof of having cleared the final semester of M.Phil as per the requisite. He submits that during the scrutiny of the documents, the petitioner for the first time produced her M/Phil degree which could not be considered by the authority.

5. The learned counsel representing the petitioner draws the attention of the court to the order dated 15.02.2016, adjourning the case *sine-die* to await the decision of the Supreme Court in SLP No.35793 of 2012 (**Vijay Kumar and others vs. Kartar Singh and others**).

6. On 28.09.2018, the Bench noticed that the aforesaid SLP has been decided. The case was adjourned as the learned counsel representing the petitioner stated that the order in the aforesaid SLP has not been uploaded. Thereafter, the writ petition has been adjourned repeatedly on one pretext or another.

7. It is not in dispute that the eligibility of the candidate is required to be examined on the last date of submission of application i.e. 09.10.2009 as per the recruitment notice. Admittedly, the petitioner did not attach any document of proof to prove that she has passed her M/Phil examination on the last date of submission of application. The terms and conditions of the recruitment notice are sacrosanct which are required to be strictly followed

for the purpose of appointment. The learned counsel representing the petitioner failed to draw the attention of the court to any rule or instruction which entitles the candidates to produce the subsequently issued documents at the time of scrutiny for the first time. Even today, the learned counsel representing the petitioner has failed to produce the judgment passed in the aforesaid SLP.

8. Keeping in view the aforesaid facts and discussion, no ground to issue the writ as prayed for, is made out.

9. Dismissed.

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

February 06, 2023
nt

(ANIL KSHETARPAL)
JUDGE

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