

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

203

2023:PHHC:069903

CWP-52-2015

Date of decision: 15.05.2023

KARANJIT SINGH

..Petitioner

Versus

STATE OF PUNJAB AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Alka Chatrath, Advocate
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G., Punjab.

ANIL KSHETARPAL, J(Oral)

1. Aggrieved by the non-inclusion of the petitioner's name in the list of selected candidates, this writ petition has been filed. In the year 2013, a recruitment notice was issued for engaging the service providing trainers in various fields in the Department of Technical Education and Industrial Training, Punjab, on a consolidated salary of Rs.30,113/-. In the fabrication sector, the minimum prescribed qualification reads as under:-

*“Degree in Fabrication/Mechanical/Production Engg.
with minimum three years teaching/industrial experience
in the relevant field*

OR

*Diploma in Fabrication/Mechanical/Production Engg.
with min five years teaching/industrial experience in the
relevant field”*

2. The petitioner also claims reservation in the category of sports on the basis of 'C' grade certificate issued by the Sports Department. He claims that not only his name has not been considered against the post reserved for sportsman, his certificate of experience has also been wrongly rejected by the competent authority.

3. While contesting the petition, the learned counsel representing the State of Punjab stated that the petitioner applied on the basis of the same experience certificate earlier also and it was found to be fake. In the writ petition filed by the petitioner, he was relegated to the alternative remedy against which the Division Bench also dismissed the appeal. It has further been provided that the petitioner only has a participation certificate, whereas, as per the instructions dated 10.12.1997, C gradation certificate are issued only to sportspersons, who have achieved 1st, 2nd or 3rd position in the Punjab State Championships for Senior and Junior organized by the Punjab Sports Department.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. While relying upon the judgment passed in **CWP-21986-2011, titled as “Gagan Goklaney, Vs. State of Punjab and others, decided on 05.08.2014** (Annexure P-14), the learned counsel representing the petitioner contends that the previous ‘C’ grade certificate issued in favour of the petitioner could not be ignored and hence, the subsequent instructions issued on 10.12.1997 shall not be applicable to the said certificate. She further relies upon the information supplied about the correctness of experience certificate under Right to Information Act, 2005, and submits that the petitioner’s candidature has been wrongly rejected by the concerned authority.

6. On the other hand, the learned counsel representing the State of Punjab has reiterated the stand taken in the written statement.

7. In the present case, the recruitment notice was issued in the year 2013. At the relevant time, instructions dated 10.12.1997 were applicable for issuance of gradation certificate to the sportspersons. The 'C' grade certificate issued on the basis of the prior instructions could not be used by the petitioner particularly when new criteria for issuance of 'C' grade certificate has been adopted by the State. With the passage of time, the State is well within the jurisdiction to change its policy. In this case, the recruitment notice was issued in the year 2013, whereas, the policy in relation to gradation certificate was adopted in the year 1997.

8. This Court has carefully read the judgment passed in **Gagan Goklaney's case (supra)**. On a careful reading thereof, it is evident that the Court only directed the Sports Department to undertake a process to evaluate the certificate issued earlier by assigning them equivalence and relevance in accordance with the latest instructions. The Court only directed the authorities to reconsider the matter by assigning an equivalence certificate in terms of the instructions which were applicable on the day, the recruitment notice was issued. Hence, the aforesaid judgment with the highest respect does not lay down that once a gradation under previous instructions has been issued, the same shall continue to reinforce despite change of policy by the State.

9. As regards the genuineness of the experience certificate, in the previous round, the writ petition filed by the petitioner has been disposed of while relegating him to the alternative remedy. This order was upheld by the Letters Patent Bench.

10. Keeping in view the fact that the respondent-State is disputing the genuineness of the experience certificate, the petitioner, if so advised, may avail his alternative remedy.
11. With these observations, the present petition is disposed of.
12. All the pending miscellaneous applications, if any, are also disposed of.

May 15th, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No