

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

LPA-1342-2023 (O&M)
Date of decision:- 21.09.2023

Sukhdev Singh and another

...Appellant(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ankit Joshi, Advocate,
for the appellants.

Mr. Arjun Sheoran, Deputy Advocate General, Punjab.

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RAVI SHANKER JHA, C.J. (ORAL)

CM-3437-LPA-2023

For the reasons mentioned therein, the delay of 140 days in filing the appeal is condoned.

The application accordingly stands disposed of.

LPA-1342-2023

This appeal is directed against the judgement and order dated 15.02.2023 passed by the learned Single Judge dismissing the writ petition filed by the petitioners (appellants herein) seeking quashing of the orders dated 13.09.2012 and 17.07.2012 respectively, whereby their applications for appointment on the post of Beldar were rejected.

The brief facts leading to filing of the present appeal are that the respondent-authorities issued a recruitment notice on 31.12.2006 for the purposes of making appointments on the post of Beldar in the Irrigation Department, Punjab. Condition No. 2 of the recruitment notice clearly provided that the person seeking appointment must file a certificate of fitness alongwith the application to the effect that he or she is fit for appointment on the post of Beldar. Condition No. 2 of the recruitment notice also required that the certificate regarding handicap and regarding proof of its extent issued by a Civil Surgeon of the District where the applicant is permanent resident must also be enclosed with the application.

Admittedly, the appellants did not file any such certificates alongwith their applications and, therefore, their case for appointment on the post of Beldar was not considered. The appellants did not take any steps in the matter and sat quiet on the same for a period of six years, whereafter they filed

applications under the Right to Information Act, 2005 on 27.08.2012 and 15.05.2012 alongwith the fitness certificates dated 23.01.2007 and 17.01.2007 respectively that were issued by the authority concerned after the date of advertisement i.e. 31.12.2006 and the process of recruitment on the post of Beldar to the effect that they were fit for civil services. The respondent-authorities by their communications dated 13.09.2012 and 17.07.2012 informed the appellants that as they had not complied with the conditions of the recruitment notice and that the certificates filed by them did not mention the fact that they were fit for appointment on the post of Beldar, therefore, in exercise of the powers under condition No. 7 of the advertisement, their applications were rejected. The petitioners in the writ petition assailed both the orders of rejection of their applications.

The learned Single Judge taking into the consideration the fact that the recruitment process was of the year 2006 and the appellants had approached this Court for the first time in the year 2013 and the fact that the certificates that the appellants were relying on were not in terms of and in accordance with the advertisement and were also subsequent to the dates of filing of the applications for recruitment, whereas the said certificates should have been attached alongwith the applications while applying for appointment, had dismissed the writ petition by stating that the same was mis-conceived and without merit.

Learned counsel for the appellants submits that the learned Single Judge has not taken note of the fact that the certificates issued by the authority concerned in the year 2007 stated that they were fit for civil services and, therefore, should have been considered for appointment on the post of Beldar.

We have heard learned counsel for the appellants at length and have also taken note of the fact that the advertisement dated 31.12.2006 clearly stipulated in condition No. 2 that the certificate filed by a handicapped candidate should state that he is fit for the post for which he is applying i.e. Beldar. Condition No. 7 of the advertisement further provides that the incomplete applications received after due date would be rejected and no correspondence in that regard would be entertained.

Evidently and admittedly, the certificates, as required by the advertisement regarding fitness for appointment on the post of Beldar, were not filed by the appellants alongwith their applications pursuant to the advertisement dated 31.12.2006. Quite apart from the above, even the subsequent certificates that had been filed for the first time by the appellants

before the respondent-authorities alongwith their applications under the Right to Information Act, 2005 in the year 2012 only stated that they were fit for appointment in the civil services. The certificates did not say, mention or certify that the appellants were fit for appointment on the post of Beldar, whereas, the requirement in the advertisement was that the same should clearly state that they were fit for appointment on the post for which they were applying i.e. Beldar. In such circumstances, the claim of the appellants seeking appointment on the post of Beldar on the basis of the certificates issued subsequently and placed before the authorities for the first time in the year 2012 has rightly been rejected by the authorities concerned by the impugned orders.

In the circumstances, as the writ petition suffers from delay and laches and even otherwise lacks merit and has rightly been rejected by the learned Single Judge, we do not find any illegality or infirmity in the order warranting our interference.

The appeal being meritless is, accordingly, dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

21.09.2023
Amodh Sharma

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