

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

2023:PHHC:153058
CWP-7908-2017 (O&M)
Date of Decision: 01.12.2023

Kulwinder Kaur

...Petitioner

Vs.

Punjab Subordinate Service Selection Board and others ...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Prabhjot S. Waraich, Advocate and
 Ms. Khushbir Kaur Bhullar, Advocate for the petitioner.
 Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner had applied for the post of Clerk with the University and had been ultimately successful in the recruitment drive.
2. The respondents, however, did not offer appointment to the petitioner doubting upon the degree of educational qualification acquired by the petitioner from Manav Bharti University established by the Himachal Pradesh Government, vide Act No.22/2009. The order dated 04.08.2015, was passed holding that the graduation degree from Manav Bharti University is not as per the guidelines of the University Grants Commission.
3. The issue raised is no more res-integra as the aforesaid aspect has already been examined at length in the case of **Achhru Bansal vs. State of Punjab and others**, CWP-9125-2018, decided on 19.12.2018, wherein this Court by relying upon the decision in Kamaldeep vs. State of Punjab and others, CWP-9398-2016, has held as under:-

“7. This Court has no hesitation to hold that candidature of petitioner was wrongly rejected who has secured more marks than other selected candidates. Consequently, the action of the

respondent not appointing him to the aforesaid post of “Clerk” is illegal, and therefore, set aside. Keeping in view the fact that selection list pertains to the year of 2014 and selected candidates might have joined, so it would not be appropriate to quash entire selection list or appointment of respondent No. 3 (Rattan Singh). The respondents are directed to offer petitioner job of Clerk against any vacant post or create a supernumerary post.

8. Thus, present petition is partly allowed and official respondent Nos. 1 & 2 are directed to offer an appointment letter to petitioner to the post of Clerk within a period of four (04) weeks from the receipt of certified copy of the order, alongwith all consequential benefits of continuity of service, seniority etc. based on his secured merit with effect from his junior in merit was appointed, except monetary benefits, which shall be granted on notional basis.”

4. Learned counsel submits that the petitioner had acquired the degree by regular mode from a university duly recognized by the UGC and, therefore, the petitioner’s credentials cannot be doubted. In Kamaldeep’s case (supra) the said issue was dealt with by this Court and it was held that a degree obtained from a university duly recognized by the UGC cannot be doubted. This Court in Achhru Bansal’s case (supra) also found that the bachelor degree awarded the petitioner therein was admitted to be genuine by the concerned university and similarly in the case of the petitioner too as per the reply filed by the respondents, the university has submitted that the petitioner’s qualifications were genuine and he was a regular candidate of the university. Document of the university Annexure R/4 dated 28.07.2017, has been placed on record but still counsel for the State has doubted the authenticity of the letter solely on the ground that the university has informed about their record having been burnt in a fire incident in December, 2015.

5. Solely because the record has been subsequently burnt would not deprive a candidate who has secured his qualifications by a regular mode from the university. The reply of the respondents reflects that the bachelor degree awarded to the petitioner has also been admitted and it has also been stated that the case of the petitioner is similar to that of Achhru Bansal (supra).

6. This Court finds that in view of the decision of the Coordinate Bench in Achhru Bansal's case (supra), the petitioner ought to have been offered similar benefit by the respondents as the name of the petitioner and Achhru Bansal fall within those twenty candidates whose applications were rejected for not getting it verified from the said university.

7. In view of the fact that Achhru Bansal has already been offered appointment and no appeal has been filed by the respondents, the writ petition is also allowed with the same directions and it is directed that the official respondent Nos. 1 & 2 are directed to offer an appointment letter to petitioner to the post of Clerk within a period of four (04) weeks from the receipt of certified copy of the order, along with all consequential benefits of continuity of service, seniority etc. based on his secured merit with effect from his junior in merit was appointed, except monetary benefits, which shall be granted on notional basis.

8. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

01.12.2023.

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1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No