

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 24822 of 2021 (O&M)****Date of Decision: 11.04.2023**

Sonu Kumar

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rajbir Singh Atttri, Advocate
for the petitioner(s).

Mr. R.S.Pandher, Senior Deputy Advocate General,
Punjab, for the respondent No.1 to 3.

Mr. Sukhdeep Singh Binder, Mr. D.S.Bhinder and
Mr. Sukhjinder Sekhon, Advocates,
for the respondent No.4.

Mr. P.S.Khurana and Mr. Satyendra Chauhan, Advocates
for the applicant/proposed interveners.

Anil Kshetarpal, J.

1. The Punjab Public Service Commission has refused to consider the petitioner's candidature for the post of Sub Divisional Engineer on the ground that his certificates of academic qualification are issued after the cut off date. The petitioner contends that he has a B.Tech. Degree in Civil Engineering from Bhai Gurdas Institute of Engineering and Technology. He passed his B.Tech examinations which were held in the month of June, 2020 and the result was declared on 20.10.2020. The petitioner has placed on record the provisional degree/MOI/character certificate issued by the Institute on 08.02.2021, which is much before the cut off date i.e.

30.04.2021.

2. While contesting the writ petition, the Punjab Public Service Commission has contended that the detailed mark sheets of the petitioner were issued on 13.05.2021 and 13.07.2021, whereas, the Engineering Degree was issued on 06.08.2021, hence, the petitioner is not entitled for consideration for the post of Sub Divisional Engineer.

3. It is obvious that the Punjab Public Service Commission has committed an error. As per the recruitment notice, a candidate who has completed his graduation in engineering before 30.04.2021 was eligible to apply. The petitioner did possess that qualification at the relevant time. The Institute had issued a provisional degree in his favour. The petitioner applied for the post of Sub Divisional Engineer and appeared in the common written test. He cleared the same and was shortlisted for interview. He was interviewed on the interim directions of this Court. However, at that stage, the petitioner was declared ineligible because of the aforesaid reason.

4. The learned counsel representing the Punjab Public Service Commission does not dispute that the provisional degree in favour of the petitioner was issued on 08.02.2021 which was produced by him before the Punjab Public Service Commission. The selection was not based only on the marks obtained by the petitioner in various subjects but upon the written test as well as the interview. In such circumstances, there is absolutely no justification in declaring the petitioner ineligible.

5. Keeping in view the aforesaid facts, the respondent-Punjab Public Service Commission is directed to declare the result of the petitioner and proceed with the matter, accordingly.

6. Mr. Khurana enters appearance on behalf of the intervenor and submits that on account of the interim order passed by this Court, the intervenor, though, has given his preference for the Public Works Department (Buildings and Roads), however, he is being made to join in Punjab Urban Development Authority. He submits that since there was a common entrance test for the various departments of the Punjab State, hence, the selected candidates were required to give their option. The intervenor has given the first preference as Public Works Department (Buildings and Roads). The last date of joining of the petitioner is 12.04.2023.

7. Keeping in view the aforesaid facts of the case, the period prescribed for joining of the intervenor is extended by one week from the date on which the Punjab Public Service Commission passes a final order with regard to the claim of the petitioner.

8. With the observations made above, the present writ petition is disposed of.

9. The miscellaneous application(s) pending, if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

April 11, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No