

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24369-2022
Date of decision: 30.11.2023

Vinod KumarPetitioner
V/s
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Mohit Kumar, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

This petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the letter dated 05.07.2022 (Annexure P-7) and with a further prayer for issuance of writ in the nature of mandamus directing the respondents to consider the candidature of the petitioner.

The facts emanating from the present petition are that the petitioner belongs to EWS (General) category, who applied for the post of Technical Assistants and appeared in the examination having passed D-Pharmacy, B.Sc. MLT (Medical Lab Test) in bio-chemistry fulfilling all the qualification as per the requirement of the advertisement, who after appearing in written examination secured qualified marks and accordingly was called for counselling on the basis of result-cum-merit list which was published by the Board and the name of the petitioner was mentioned at Serial No.128

As per the said merit list, the merit score of the petitioner was shown as 51.25 HIA (held in abeyance) due to non-clarification regarding the educational qualification of the petitioner vis-a-vis required educational qualification. Accordingly, the petitioner sent a legal notice dated 07.06.2022 (Annexure P-5) which was duly replied vide letter dated 01.07.2022 (Annexure P-6) addressed to the counsel for the petitioner and finally vide letter dated 05.07.2022 (Annexure P-7) the claim of the petitioner was rejected on the ground that the educational qualification of the petitioner was not in equivalence with the required educational qualification.

Learned counsel for the petitioner contends that the impugned letter dated 05.07.2022 (Annexure P-7) on the basis of which the claim of the petitioner has been rejected was issued by stating therein that the Educational/Technical qualification certificates were not clear as per the Educational/Technical qualification prescribed by the Corporation. Accordingly, the result of the petitioner was kept in abeyance.

He further contends that the educational certificates which were submitted by the petitioner were sent to the Punjab State Warehousing Corporation for clarification regarding equivalence with the qualification prescribed by the Corporation and after verifying the same the respondent-Corporation has declared the petitioner ineligible for the post whereas in the said order, neither there is any reasoning nor the reference of the report has been mentioned.

Notice of motion.

At this stage, on asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of respondents

No. 1 and 2, who has filed a short reply by way of an affidavit of Ms. Amarbir Kaur Bhullar, PCS, Secretary, Subordinate Services Selection Board, Punjab, which is taken on record.

On receipt of advance copy, Mr. Arjun Singh Dhaliwal, Advocate for Ms. Deepali Puri, Advocate has put in appearance, accepts notice on behalf of respondent No.3 and has filed reply, which is taken on record.

Learned State counsel while referring to the reply dated 29.11.2023 submits that during counselling the petitioner had submitted self-declaration along with certificates of his Educational-Technical qualification which were sent for clarification regarding the equivalency of qualifications of the petitioner to the Department i.e. respondent No.3 vide letter dated 19.10.2021. He further submits that vide letter dated 11.05.2022 the respondent No.3 had informed the petitioner that he is not eligible as recommended by the University. Thereafter, the respondent No.3 Board after taking into consideration had cancelled the candidature of the petitioner for the post of Technical Assistants and the same was duly communicated to the petitioner vide letter dated 05.07.2022 (Annexure P-7) due to non-equivalency of his Educational-Technical qualification with the qualification mentioned under the advertisement and rules.

Learned counsel for the respondent No.3 while referring to the reply dated 30.11.2023 submits that the respondent No.6 issued letter dated 05.07.2022 declaring the educational qualification of the petitioner not in equivalence with the required educational qualification. The department did not divulge the report received from the concerned University regarding the

equivalence of the education of the petitioner vis-a-vis the required qualification.

I have heard learned counsel for the parties and have gone through the case file.

Keeping in view the submissions made as well as replies filed by the learned counsels for the respondents where it is mentioned that after verifying the Educational/Technical qualification certificates, the respondent No.3 had declared the petitioner ineligible for the post after considering the qualification on the basis of non-equivalency of his Educational-Technical qualification with the qualification mentioned in the advertisement and rules.

Consequently, the present petition is devoid of merits and cannot be entertained. Hence, the same is dismissed.

30.11.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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