

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3645-2024 (O&M)
Date of Decision:20.03.2024

JASWINDER PAL SINGH Petitioner

Versus

STATE OF PUNJAB AND OTHERS Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Ashok Kumar Sama, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondents to consider him for the post of Sub-Inspector in Technical and Support Service Cadre.
2. The petitioner, pursuant to Advertisement No.7 of 2021 dated 09.09.2021 (Annexure P-1), applied for the post of Sub-Inspector in Technical and Support Services Cadre. There are 267 vacancies. The petitioner is an exserviceman. He joined Indian Army on 07.07.2004 and retired on 31.07.2021. He cleared written test and his name figured in the provisional list at Serial No.2428. He cleared Physical Measurement Test. His candidature has been rejected vide order dated 22.12.2023 (Annexure P-15) on the ground that he has submitted Ex-Serviceman Certificate and Degree of Bachelors of Arts which is not as per prescribed qualification.

He has not submitted Army Graduation Certificate and has secured Bachelors Degree from Lovely Professional University.

3. Mr. Ashok Kumar Sama, Advocate submits that petitioner was having Army Graduation Certificate issued by competent authority, however, it could not be uploaded due to oversight. Consequently, it was not produced before the authorities at the time of scrutiny of documents. It was also duty of the authorities to ask him to submit Army Graduation Certificate. The petitioner cannot be deprived of his valuable right of post on the technical grounds.

4. Mr. Aman Dhir, Deputy Advocate General, Punjab submits that petitioner concededly did not upload his Army Graduation Certificate along with his application and further did not produce the same at the time of scrutiny of documents. There was no fault on the part of authorities. The respondents cannot ask each and every candidate to submit documents. It is the job of candidates because all the terms and conditions of the selection process are duly disclosed in the advertisement.

5. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.

6. Concededly, the petitioner did not upload his Army Graduation Certificate along with the application. The said certificate was also not produced at the time of scrutiny of documents. He has committed a mistake which is not curable at this belated stage. Had the petitioner approached this Court prior to participating in the written test, the matter could be considered, however, after declaration of the result, the authorities cannot be asked to consider Army Graduation Certificate of

the petitioner. The selection process is a long process and it has to be completed within a reasonable time. In the absence of submission of Army Graduation Certificate on the part of petitioner, it would not be just and fair to consider his Army Graduation Certificate at this stage.

7. In the wake of above discussion and findings, this Court is of the considered opinion that present petition *sans* merit and deserves to be dismissed, accordingly dismissed.

8. Pending misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

20.03.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>