

CWP-5416-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-5416-2024
Date of Decision: 07.03.2024

Jagjiwan Lal ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Satpreet Grewal, Advocate for the petitioner
Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 23.08.2016 (Annexure P-5) whereby his claim for reinstatement has been rejected.
2. The petitioner was recruited as Constable in 82nd Battalion PAP at Bahadurgarh District Patiala on 11.12.1989. He, at the time of appointment, submitted his certificate of matriculation. On verification, the respondent found that the petitioner has not completed matric whereas he is 9th standard pass. He, before the authorities, accepted that he has passed 9th standard exam from Government Higher Secondary School, Khuda, P.S. Tanda District Hoshiarpur. The respondent dismissed him from service because minimum qualification for Constable was matric.

3. The petitioner is claiming that he has been acquitted in the criminal proceedings, thus, he should be reinstated.
4. On being asked, learned counsel for the petitioner expressed her inability to controvert the fact the petitioner has accepted that he has passed 9th standard exam.
5. The petitioner primarily has been dismissed from service on account of filing forged certificate. He has been acquitted in criminal proceedings. The fact remains that the petitioner was not possessing minimum qualification i.e. matriculation for selection as Constable. In the absence of minimum qualification, he was not eligible for the post, thus, conviction or acquittal in criminal proceedings is irrelevant. This Court cannot ask the respondents to appoint a candidate who is not possessing minimum qualification.
6. In the wake of above discussion and findings, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

07.03.2024
Mohit Kumar

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