



CWP-7330-2020 (O&M) &
CWP-6992-2022 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision:23.05.2024

1) CWP-7330-2020 (O&M)

Harjot Kumar and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

2) CWP-6992-2022 (O&M)

Rakesh Kumar

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON’BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sanjiv Gupta, Advocate for the petitioners.

Mr. Swapan Shorey, DAG, Punjab.

Mr. Arvind Moudgil, Advocate for respondent No.4.

AMAN CHAUDHARY J. (Oral)

1. These cases involve similar issues and therefore, are being disposed of together by this common judgment.
2. The prayer in the present petition is for quashing the impugned order dated 27.01.2020, communicated on 17.02.2020, vide which the candidature of the petitioners has been cancelled.
3. The appointment of petitioners to the post of Jail Warder (Male) was cancelled on account of the fact that the 10+2 qualification of the petitioners was



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from Bhartiya Shiksha Parishad Uttar Pradesh, an institute not recognized by the State of Punjab and this Court on 29.04.2024 passed the following order:

“Learned counsel for the petitioners submits that the petitioners were successful in the process of selection that was undertaken pursuant to advertisement dated 08.11.2016, Annexure P-1, for the posts of Jail Warders however, their candidatures were rejected vide order dated 27.01.2020, Annexure P-8, only on account of the fact that the qualifications of Senior Secondary obtained from Bhartiya Shiksha Parishad, U.P. was not recognized in which regard as required Union of India through Secretary, Department of School Education and Litigation, Ministry of Human Resource Development, Government of India was impleaded as party respondent No.4 who have also filed reply dated 07.02.2023 which supports the claim of the petitioners. A replication has also been filed by the petitioners appending therewith a recognition by the competent authority recognizing the institution from where the petitioners had acquired the qualifications as also a judgment of the High Court of Madhya Pradesh rendered on 28.08.2019, Annexure P-16, pertaining to the same institution as also information obtained under the Right of Information Act placed on record is Annexure P-17 by the State of Punjab to the effect that other candidates having the qualifications from the same institution were granted appointment and are still working. Learned counsel has handed over a copy of the said replication as also the short reply by way of affidavit filed by respondent No.4 to learned State counsel who prays for time to obtained instructions in the matter.”

4. Learned counsel submits, on instructions, that the petitioners would be satisfied in case a time bound direction is given to the respondent-State to consider their case keeping in view the aforesaid submissions and the documents, including the judgment in **Ragini Sikarwar and another vs. State of M.P. and others**,¹ passed by the High Court of Madhya Pradesh with regard to the same very institute from which they had obtained the qualification of 10+2.

5. Learned State counsel has no objection to the limited prayer made.



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6. In view of the aforesaid and without commenting upon the merits of the case, the present petitions are hereby disposed of with a direction to the respondents to decide the claims of the petitioners in light of the aforesaid discourse and the above-mentioned judgment, within a period of four months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner.

7. A copy of this order be placed on the other connected case file.

(AMAN CHAUDHARY)
JUDGE

May 23, 2024
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Whether speaking : Yes/No

Whether reportable : Yes/No