

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA-917-2024

Date of decision : 16.04.2024

Rajan Mehta

.....Appellant

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Karan Singh, Advocate,
for the appellant.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

G.S. SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. The consideration sought in the present appeal is to the order dated 13.03.2024, whereby the learned Single Judge has dismissed the writ petition (CWP-5778-2024) on the ground that the Diploma certificate, on the basis of which the writ petitioner was claiming himself to be treated as eligible for the post of Radiographer/Ultrasound Technician, was from a non-recognized Institute, namely "Para Medical Council, Mohali". It was noticed that in view of the instructions dated 18.03.1975, the Diploma relied upon by the writ petitioner cannot be treated as valid by the Government of Haryana, as it was not recognized even by the Government of Punjab. The alternative argument, as such, of the writ petitioner was that there was another certificate available with him, on the basis of which he was liable to be considered for

appointment, which the learned Single Judge has rejected on the ground that it was not the one which was attached by him with the application form.

2. We have perused the Statement of Marks dated 29.04.2010 (Annexure P-3) regarding the Diploma passed in Medical Radiography & Imaging Technology of two years and issued by the Council of Paramedical (Pb.). The corresponding Diploma certificate is dated 13.07.2010 (Annexure P-4) which shows that the said Council was allegedly registered with Government of Punjab and affiliated with the Open International University for Complimentary Medicine established as per World Health Organisation, Alma Ata U.S.S.R. Declaration 1962. The said certificate was duly examined by the competent authorities and they rejected the claim, as such, vide reasoned order dated 17.11.2023 (Annexure P-11), keeping in view the earlier issues which had arisen whereby the candidates were claiming to have said Diplomas.

3. Resultantly, the Secretary of the respondent – Commission, as such, passed the order on the ground that the Committee had examined the documents in view of the State Government Instructions dated 18.03.1975 and list of recognized Universities by University Grant Commission on 25.01.2023 and submitted its report dated 18.10.2023. The Committee had then found that the writ petitioner was not eligible for the post in question, as the Institute was neither established nor recognized by the Punjab Government. The Director Research & Medical Education, Punjab, vide public notice dated 12.08.2015 had informed the public that the certificates issued by Para Medical Council, Mohali (Punjab) were not valid for Government job.

4. In such circumstances, we are of the considered opinion that once the Expert Committee on the basis of the public notice issued by the Punjab

Government had come to the conclusion that the said Council was not recognized, the eligibility as such of the writ petitioner, being suspect, his case cannot be considered for appointment.

5. Similarly, the argument raised by the writ petitioner that he is having another certificate (Annexure P-6) for the same course, which was issued in February, 2014, by Calorx Teachers' University, which is stated to be established by State Legislature of Gujarat, could not have been relied upon by the writ petitioner, as that certificate was never attached by him with the application form. Even otherwise, we are puzzled that if the writ petitioner had already got Diploma in the said course, why he had undertaken the same course from an educational Institute, which is situated outside the State. Having not appended it along with the application form, he cannot fall back on the alternate certificate issued. Clause 3.1 of the advertisement in question specifically provides that the scanned copies of essential academic qualifications and all the documents showing higher qualification, on the basis of which candidate claims marks, had to be uploaded with the application form. Similarly, in the "Important Note" of the advertisement also, it was mentioned that no change will be allowed after final submission of application form and the candidate will be responsible for any mistake in the data of application form. In such circumstances, being bound by the terms of the advertisement, the appellant as such cannot claim to the contrary, as law has been well settled by various Full Bench judgments of this Court, holding that the advertisement is binding on the candidate. Reference can be made to a Full Bench decision of this Court in ***Rahul Prabhakar Vs. Punjab Technical University, Jalandhar, 1997 (3) S.C.T. 526.***

6. Resultantly, we are not inclined to interfere with the impugned order passed by the learned Single Judge.

7. Appeal is, accordingly, dismissed *in limine*.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(VIKAS SURI)
JUDGE

April 16, 2024
ndj

Whether speaking/reasoned	Yes
Whether reportable	No