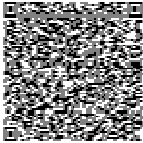


CM-2802-03-LPA-2024 in/and
LPA-1163-2024

2024:PHHC:106419-DB 

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-2802-03-LPA-2024 in/and
LPA-1163-2024
Date of Decision: August 20, 2024

GURPREET SINGH Appellant

Versus

GURU ANGAD DEV VETERINARY AND ANIMAL SCIENCE
UNIVERSITY AND OTHERS
..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Dr. Anand Kumar Bishnoi, Advocate for the appellant.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 11.12.2023 whereby CWP-27719-2023 filed by appellant (writ petitioner) has been dismissed as misconceived.
2. Brief facts necessary for adjudication of the matter are that appellant (writ petitioner) claimed to be working as Sweeper on contract basis with respondent – University since the year 2009. Advertisement No. 2 of 2018 was issued by respondent – University seeking applications for various posts including one post of Sewerman for which appellant claimed to be eligible. He applied for the same. Appellant alongwith one other person namely Deepak son

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of Dharam Pal- respondent No. 4 were interviewed. Respondent No. 4 was selected and appointed on 29.06.2020. Writ petitioner stated that it later came to his knowledge that respondent No. 4 did not have requisite qualification of passing 5th standard and that certificate which he had submitted reflecting that he had studied upto 6th standard was not genuine but a fraudulent and fabricated one. Therefore, he sought an inquiry for determining genuineness of the certificate(s). It is contended that inquiry was conducted but the matter was wrongly and incorrectly closed by authorities as reflected in communication dated 26.03.2021.

3. Thereafter, appellant (writ petitioner) admittedly filed Civil Suit on 21.06.2021 seeking declaration with the following prayers:-

“ It is, therefore, prayed that the decree for declaration to the effect that the appointment of defendant No. 5 by defendants No. 1 and 2 as Sewerman is illegal, null and void and is on the basis of fraud committed by defendant No. 5 by forging the school certificate issued by defendant No. 4 and further the plaintiff is eligible for the service in the place of defendant No. 5 as being first eligible candidate for the said post;

AND

Decree for mandatory injunction directing the defendants No. 1 and 2 to terminate the services of defendant No. 5 as the same is illegal, null and void and is on the basis of fraud and forgery committed by the defendant No. 5 with defendants No. 1 and 2;

AND

Decree for permanent injunction restraining the defendants No. 1 and 2 from regularization of the service of the defendant No. 5 as Sewerman, during the pendency of the present suit, may kindly be passed in favour of the plaintiffs and against the defendant with costs.

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Any other additional or alternative relief to which the plaintiff may be found entitled in the circumstances of the case be also awarded.”

4. Said Civil Suit was sought to be withdrawn by writ petitioner on the basis of technical defect with liberty to file a fresh suit. Civil suit was dismissed as withdrawn on 11.09.2021. Thereafter, CWP-27719-2023 was filed by appellant on 20.11.2023, seeking setting aside appointment of respondent No. 4 being ineligible and for direction to appoint writ petitioner on the post of Sewerman from the date on which respondent No. 4 was appointed with all consequential benefits.

5. Learned Single Bench while noting that selection was conducted in the year 2021 with petitioner not being selected and his Civil Suit dismissed as withdrawn on 11.09.2021, concluded that writ petition was wholly misconceived. Writ petition was, accordingly, dismissed. Aggrieved therefrom, present appeal has been filed.

6. We have heard learned counsel for appellant and perused the file carefully.

7. Learned counsel for appellant vehemently argued that bare perusal of inquiry report and certificates in question indicate that documents are forged and fraudulent, therefore, selection of respondent No. 4 should be set aside and present appellant being the only eligible candidate should be appointed on the post in question from the date on which respondent No. 4 was appointed.

8. Having heard learned counsel for appellant, we do not find any ground whatsoever to interfere in this appeal. Admittedly, selection was carried out in June 2020. Civil suit filed by appellant was dismissed as withdrawn on

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11.09.2021. No action was taken by him thereafter to file fresh civil suit and writ petition was filed on 20.11.2023. Appellant seeks decision on disputed questions of fact, which is clearly not within the realm of consideration by this Court.

9. Learned counsel for appellant is unable to point out any infirmity or irregularity in impugned order dated 11.12.2023 which calls for interference.

10. No other argument has been raised.

11. In the given facts and circumstances as above, impugned order dated 11.12.2023 is upheld. Appeal is, accordingly, dismissed being devoid of any merit.

12. As the matter has been considered and decided on merits, adjudication upon application seeking condonation of delay of 114 days in filing the appeal, is rendered academic. Application is disposed of accordingly.

13. Pending application(s), if any, stand(s) disposed of as well.

**(LISA GILL)
JUDGE**

**(SUKHVINDER KAUR)
JUDGE**

August 20, 2024
Rts

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