



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

266

CWP-10947-2024 (O&M)
Date of decision: 19.11.2024

Gagan Angural

....Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner

Mr. Indresh Goel, Advocate for the respondents

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for directing the respondents to appoint the petitioner as Constable (Cook) in Border Security Force, pursuant to the Advertisement dated 20.02.2023 on the premise that he had secured 37 marks, while the cut-off of the SC category is 36.
2. Learned counsel for the respondents has drawn the attention of this Court to para Nos.8 and 10 of the written statement, to which there was no replication filed, which read thus:

“8. That the final stage of above recruitment was preparation of Merit List and Final Result by detailing a Board of Officers. The Merit Board had to check and verify the documents/testimonials of the candidates to avoid instances of wrongly/erroneous selection and to prepare merit list and final result. Accordingly, Merit Board had thoroughly checked the available documents/testimonials of the candidates and only eligible and qualified candidates had been figured in final selection/merit list. The cut off marks of SC Category for the post of Constable (Cook) - Male Candidates for Punjab State is 36.000 Whereas, the petitioner could not be figured in final selection list by the Merit Board due to **"Unfit NSQF Level-I not qualified/ Individual has uploaded certificate of not recognized institute"**.



10. That in the nutshell, the petitioner did not upload the certificate at the time of registration/filling of online forms to the effect that he has qualified National Skills Qualification Framework (NSQF) Level-1 Course Certificate **In food production or Kitchen issued by National Skill Development Corporation**. The petitioner was not having any valid trade certificate at the time of applying for the post, and did not fulfill the requisite criteria for the post as advertised vide Advertisement Notice dated 20.02.2023.”

3. Further reference is made to the judgment passed by this Court in **Jogender vs. Union of India and Others**, CWP-332-2024, decided on 13.02.2024, relating to the same advertisement, which reads thus:

“1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of final selection list dated 15.12.2023 (Annexure P-12) for the post of Water Carrier.

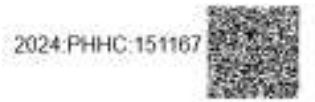
2. The petitioner pursuant to an advertisement dated 20.02.2023 applied for the post of Constable (Tradesman). The petitioner belongs to ‘Other Backward Class’ Category. He participated in the selection process and cleared written test as well as physical test. He was shortlisted in the result dated 27.10.2023, however, his name did not appear in the final select list.

3. Mr. Indresh Goel, Senior Panel Counsel submits that candidature of the petitioner has been rejected as minimum qualification for the post applied by petitioner was level-I course in food production or kitchen from National Skill Development Corporation (for short ‘NSDC’) or any institute recognized by NSDC. The petitioner was not having certificate issued by NSDC, thus, his candidature was rejected.

4. On being confronted with Annexure P-6 i.e. certificate dated 27.03.2023 issued by Om Vijay Charitable Trust, learned counsel for the respondents-UOI submits that said trust is not recognized by NSDC, thus, certificate is invalid.

5. Faced with this, learned counsel for the petitioner undertakes to get certificate from Om Vijay Charitable Trust to the effect that their trust is duly recognized by NSDC for the purpose of issuing level-I certificate. In alternative, he may get confirmation letter from NSDC.

6. In the wake of statements of both sides, the present petition stands disposed of with liberty to petitioner to furnish certificate either from NSDC or Om Vijay Charitable Trust to the effect that trust at the relevant point of time was duly recognized by NSDC to issue level-I certificate. On doing so, the respondent shall re-consider claim of the petitioner within 4 weeks.”



4. In wake of the aforesaid, the present petition is disposed of in terms of **Jogender** (supra).

(AMAN CHAUDHARY)
JUDGE

19.11.2024
M.Kamra

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