

292-1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15610-2019 (O&M)
Date of Decision:18.01.2024

NARINDER KUMAR

.....Petitioner

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Ms. Alka Chatrath, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioner by way of this Writ Petition has claimed parity for seeking employment as a Clerk with the other similarly situated persons namely Achhru Bansal and Kulwinder Kaur in whose Writ Petitions i.e. CWP-9125-2018 and CWP-7908-2017 respectively, this Court has directed the respondents to consider them for appointment for the said post.

2. Learned counsel for the petitioner submits that the petitioner herein too passed the graduation degree from the Manav Bharti University established by the Himachal Pradesh Government vide Act No.22/2009 alike other two persons (Supra). The respondents had kept the cases of the petitioner and that of Achhru Bansal in abeyance while making selections on the ground of doubt in their degree. The Manav Bharti University vide its letter dated 01.04.2015 has verified the credentials of the petitioner along with that of Achhru Bansal, but the respondents have not granted the benefit to the petitioner, while accepted the judgment passed in the case of Achhru Bansal.

3. In support of his submissions, learned counsel for the petitioner has also invited attention of this Court to the letter dated 16.09.2014 (Annexure P-13) sent by the Registrar, Manav Bharti University to the petitioner verifying his documents.

4. *Per contra*, learned State counsel submits that in compliance of the order passed by this Court dated 24.07.2019, the claim of the petitioner was examined and it was submitted that the graduation degree of Achhru Bansal was duly verified by the Punjabi University, Patiala and Bar Council of the Punjab and Haryana, Chandigarh and it is confirmed by the concerned University that the petitioner (Achhru Bansal) has passed the graduation degree through regular mode, whereas the case of the petitioner is distinguishable and that degree certificate has not been verified till date.

5. This Court finds that the documents dated 01.04.2015, annexed as Annexure P-18, has not been denied by the respondents nor the same has been alleged to be forged.

6. From the perusal of the document P-18 dated 01.04.2015, it is noticed that information regarding credential of candidates was sent to the Secretary Subordinate Staff Selection Punjab wherein the name of the candidates were mentioned with their respective registration numbers who had pursued the BA in their University. The name of the petitioner has also been mentioned along with that of Achhru Bansal showing both of them having done their BA in 2012 from Manav Bharti University. The said documents are sufficient verification of the petitioner having acquired the BA qualification from the Manav Bharti University.

7. This Court also finds that the Manav Bharti University has also reiterated its stand again vide letter dated 27.05.2015 (Annexure P-20).

8. This Court in CWP-7908-2017 titled as **Kulwinder Kaur** Vs. **Punjab Subordinate Service Selection Board and Others** decided on 01.12.2023, after noticing the order passed by this Court in Achhru Bansal's case (Supra) held as under:-

"4. Learned counsel submits that the petitioner had acquired the degree by regular mode from a university duly recognized by the UGC and, therefore, the petitioner's credentials cannot be doubted. In Kamaldeep's case (supra) the said issue was dealt with by this Court and it was held that a degree obtained from a university duly recognized by the UGC cannot be doubted. This Court in Achhru Bansal's case (supra) also found that the bachelor degree awarded the petitioner therein was admitted to be genuine by the concerned university and similarly in the case of the petitioner too as per the reply filed by the respondents, the university has submitted that the petitioner's qualifications were genuine and he was a regular candidate of the university. Document of the university Annexure R/4 dated 28.07.2017, has been placed on record but still counsel for the State has doubted the authenticity of the letter solely on the ground that the university has informed about their record having been burnt in a fire incident in December, 2015.

5. Solely because the record has been subsequently burnt would not deprive a candidate who has secured his qualifications by a regular mode from the university. The reply of the respondents reflects that the bachelor degree awarded to the petitioner has also been admitted and it has also been stated that the case of the petitioner is similar to that of Achhru Bansal (supra).

6. This Court finds that in view of the decision of the Coordinate Bench in Achhru Bansal's case (supra), the

petitioner ought to have been offered similar benefit by the respondents as the name of the petitioner and Achhru Bansal fall within those twenty candidates whose applications were rejected for not getting it verified from the said university. 7. In view of the fact that Achhru Bansal has already been offered appointment and no appeal has been filed by the respondents, the writ petition is also allowed with the same directions and it is directed that the official respondent Nos. 1 & 2 are directed to offer an appointment letter to petitioner to the post of Clerk within a period of four (04) weeks from the receipt of certified copy of the order, along with all consequential benefits of continuity of service, seniority etc. based on his secured merit with effect from his junior in merit was appointed, except monetary benefits, which shall be granted on notional basis.”

9. In view of the above, this Court is satisfied that the case of the petitioner cannot be distinguishable to that of the aforesaid two persons in whose favour this Court has already passed the order as above.

10. Accordingly, the Writ Petition is **allowed** with directions *mutatis mutandis* to above Kulwinder Kaur (Supra).

11. All pending applications in this Writ Petition stand disposed of accordingly.

January 18, 2024
Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No