

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

(114)

LPA-982-2023

Decided on : 04.03.2024

Paramjit Singh

.....Appellant(s)

Versus

State of Punjab and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr. Harinder Sharma, Advocate for the appellant (s).

Mr. Salil Sabhlok, Sr. DAG, Punjab.

G.S. Sandhawalia, Acting Chief Justice (Oral)

Consideration in the present letters patent appeal is sought of the order of the learned Single Judge dated 01.05.2023, whereby the writ petition filed by the appellant bearing CWP-21383-2014 was dismissed.

2. The reason which weighed with the Learned Single Judge was that the experience certificate had not been countersigned by the District Education Officer (DEO) and the whole purpose was to get the experience certificate countersigned to avoid any fake claim. It was, accordingly, found that requirement given in the recruitment notice is sacrosanct unless found to be arbitrary and keeping in view the fact that recruitment notice was issued in the year 2007, the writ petition was dismissed.

3. Apparently, the writ petitioner had earlier approached this Court in CWP-14913-2011 on the ground that persons lower in merit had been appointed and, therefore, he should be considered. In the said case directions were issued vide order dated 29.08.2011 (Annexure P-7), to verify the said claim and in case it was found to be correct, appointment letter was to be issued to the writ petitioner. Resultantly, an order dated 21.01.2013

(Annexure P-8) came to be passed by the District Education Officer (Elementary Education) Tarn Taran while noting that experience of the writ petitioner with the United High School, Khem Karan was not counted, as the certificate was not countersigned by the District Education Officer (Elementary/Secondary), which was mandatory as per terms of the advertisement. It was also noticed that public notice had been published in different newspapers to inform the candidates regarding date, cut-off-merit and requisite information and for contacting the concerned DEOs for getting the rectification done. The writ petitioner had still not contacted the said officer for rectification and, therefore, his claim had been rejected which led to the filing of the writ petition.

4. Counsel for the appellant has vehemently submitted that in similar circumstances another Learned Single Judge of this Court in **CWP-11445- 2014 ‘Jaspreet Kaur Vs. State of Punjab and others’** decided on 07.09.2017 (Annexure A-1) has allowed the writ petition, keeping in mind the counter signatures of the concerned officer of the Punjab School Education Board, which relate to the advertisement dated 23.09.2009. The Learned Single Judge in the said case, therefore, came to the conclusion that different yardsticks were being adopted, since similarly situated candidates had been appointed and given weightage regarding experience, while computing merit in a common selection process.

5. We have also perused the certificate, which has now been appended as Annexure P-3, which would go on to show that Punjab School Education Board, Incharge (Affiliation) had countersigned to the extent that school in question where the appellant had worked was affiliated since 2003-2004 upto middle. In pursuance of the interim orders passed, an affidavit has

also been filed by the District Education Officer (Elementary Education) Tarn Taran dated 23.01.2024, raising issues regarding the Bachelor of Physical Education Certificate of the appellant issued on 23.04.2004, where his period of experience is from 05.02.2004 to 20.09.2004 and, therefore, the validity of certificate as such itself has been doubted by the District Education Officer.

6. We have also gone through the recruitment notice which would go on to show that particulars of the certificate have to be verified by the competent authority. The terms and conditions of the recruitment notice are crystal clear that it is for the DEO to countersign the said certificate to ensure that the experience certificate which is being furnished is valid and same has to be done by examining the record of the concerned school also. The necessary exercise had to be got done from the DEO before the cut-off-date. Though, in spite of the fact that notice had also been given to the appellant, but the needful had not been done and the same, thus, would not give him a right for consideration.

7. Resultantly, we are of the considered opinion that since the selection process is of the year 2007, at this stage right of respondent No.4 would be adversely affected, who has also been impleaded. We are, thus, not inclined to grant any benefit to the appellant and the present letters patent appeal is, accordingly, dismissed, being bereft of any merit.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

04.03.2024
Naveen

(LAPITA BANERJI)
JUDGE

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