

2024:PHHC:002389
CWP-13655-2014 (O&M)
Date of Decision: 10.01.2024

...Petitioner

Vs.

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Amit Chopra, Advocate for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

Mr. Sukhdev Kamboj, Advocate for respondent Nos.3 and 4.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner had applied for the post of Vocational Master/Mistress. The qualification as per advertisement provided that a candidate must have passed three years diploma in concerned branch of engineering from State Board of Technical Education including three years teaching experience or experience of practical work from any government or recognized by government institute or prominent registered institute which should be duly countersigned by the competent authority.

2. Learned counsel for the petitioner submits that the petitioner was more meritorious than respondents No.3 and 4 and in fact merit list was never published. However, on receiving information under the Right to Information Act, 2005, it was revealed that the petitioner was at Sr. No.65 in the merit list while the persons who have been appointed including respondents No.3 and 4

were much lower in merit at Sr. No.72 and 73 respectively.

3. The respondents have contested the matter and submit that the petitioner although was found to be more meritorious but he did not fulfill the requisite conditions of the advertisement as the experience certificate submitted by him reflected that the same was issued by the India Textile Manufacturing Company and the same was not counter signed while other certificates were duly counter signed. On further inquiry from the concerned institute, India Textile Manufacturing Company sent a letter on 01.01.2016 informing that the person was only a trainee in the company and was not on the payroll and was not their employee.

4. Be that as it may, learned counsel for the respondents submits that as per the advertisement the certificates duly counter signed were required to be submitted and it is on that ground alone that the candidature of the petitioner was rejected. In view of rejection of his candidature, the persons lower in merit were offered appointment.

5. The original record was called for and perused.

6. This Court is satisfied that so far as the certificate issued by the India Textile Manufacturing Company is concerned, the same is not counter signed by the competent authority. The petitioner has not been able to explain as to why the said document which was not counter signed while the other documents which have been submitted along with the application were duly counter signed by the concerned Principal/Headmaster. The rejection of the candidature is on the basis of the aforesaid fact of the experience certificate not being counter signed. The conditions for selection specifically mention that the experience certificate would be duly counter signed by the competent authority.

7. In view of above, the action of the respondents in cancelling the candidature of the petitioner on account of experience certificate not being counter signed, cannot be said to be unjustified. The writ petition is devoid of merit and is accordingly dismissed.
8. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)

JUDGE

10.01.2024

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1. Whether speaking/reasoned? : Yes/No
2. Whether reportable? : Yes/No