



**CM-17230-CWP-2024 in/and
CWP-5668-2017**

1

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

(104+209)

**CM-17230-CWP-2024 in/and
CWP-5668-2017**

Date of Decision : December 10, 2024

Navneet Kumar

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sachin Ohri, Advocate, for the applicant-petitioner.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-17230-CWP-2024

As prayed for, the application is allowed.

Replication to the written statement filed on behalf of respondent No.4, is taken on record.

CWP-5668-2017

1. In the present writ petition, the grievance being raised by the petitioner is that the petitioner competed for the post of Teaching Fellow in pursuance to the Advertisement dated 05.09.2007 (Annexure P-1).

2. The petitioner was selected but the said selection was challenged by certain candidates on the ground that the candidates, who

**CM-17230-CWP-2024 in/and
CWP-5668-2017****2**

have got bogus experience certificate, are being considered eligible and therefore, the said certificate should be analyzed by a Committee before accepting the same.

3. Keeping in view the direction given, learned counsel for the petitioner submits that a Committee of senior official of the Department was formed and the Committee, qua the petitioner, recommended that the experience certificate submitted by the petitioner was not correct and the same was treated as bogus, which action was challenged by the petitioner by filing CWP No.12432 of 2010 which writ petition was already dismissed upholding the decision of the Committee.

4. Learned counsel for the petitioner further submits that after the dismissal of the writ petition, the FIR which was registered against the petitioner, the petitioner has not been charge-sheeted and the FIR has been dropped and therefore, the respondents are liable to reconsider the claim of the petitioner for appointment as Teaching Fellow in pursuance to the Advertisement dated 05.09.2007 (Annexure P-1).

5. Upon notice of motion, the respondents have filed the reply wherein, the respondents have stated that the claim of the petitioner for consideration came to an end when the report of the Committee wherein, the experience certificate submitted by the petitioner was treated to be bogus was upheld in the writ petition. Now merely that the FIR was dropped, will not give a fresh claim especially when in a case of similarly situated employee, the Coordinate Bench of this Court while passing order in ***CWP No.16620 of 2010 titled as Binder Pal Kaur vs. State of Punjab, decided***

on 13.09.2011, the report given by the Committee has been treated to be on



**CM-17230-CWP-2024 in/and
CWP-5668-2017**

3

a higher pedestal as compared to the report by the police authorities.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. Once, the report of the Committee wherein, the experience certificate submitted by the petitioner has been held to be bogus, has been upheld by this Court, no second writ petition could have been filed. Merely that the FIR has been dropped, does not mean that the report of the Committee, which has already been upheld by the Hon'ble High Court and the claim of the petitioner has been dismissed, will stand vitiated.

8. Further, in the case of *Binder Pal Kaur's case (supra)*, the same issue has been decided by the Coordinate Bench of this Court and the Coordinate Bench has already upheld the report of the enquiry Committee, which included three senior officers of the Department and concluded that the certificate relied upon by the petitioner was bogus, the same cannot be disapproved merely because the FIR was cancelled.

9. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

10. Accordingly, the writ petition is dismissed.

December 10, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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