

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208-2

CWP-313-2018
Date of decision: 22.02.2024

Jacky Jindal

....Petitioner

Versus

Subordinate Services Selection Board and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kapil Kakkar, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

1. The prayer in the present Civil Writ Petition filed under Articles 226/227 of the Constitution of India, is to issue a writ in the nature of certiorari, for quashing the order dated 08.08.2017, Annexure P-7 and appoint the petitioner to the post of clerk, he being in merit.
2. Learned counsel would submit that the petitioner had applied for appointment to the post of Clerk in response to an advertisement dated 27.11.2015, Annexure P-2 and qualified the written test, whereafter was placed in the select list dated 10.10.2016, Annexure P-5. However, his candidature was rejected vide order dated 08.08.2017, Annexure P-7 on the ground that the Board has reasons to believe that the verification reports sent by the University with regard to petitioner No.1 Jacky Jindal and some of other similarly situated candidates are doubtful and there is no credible proof that in fact they had pursued their graduation in a regular mode from the said University. Consequently, the Bachelor's degree of the said petitioner was not being treated as a valid degree. Thereafter, he produced the relevant documents, Annexures P-8 to P-9 and P-13 to P-18, these being result-cum-detailed marks of each semester as also the document certifying

the petitioner to be a bonafide student of the University issued by its Registrar. He submits that a similar controversy has already been decided by this Court vide judgment dated 01.12.2023, passed in CWP-7908-2017 titled as **Kulwinder Kaur vs. Punjab Subordinate Service Selection Board and others**, wherein the factum of the record of the University having been burnt was also taken into consideration in para 5 thereof. He thus, prays the instant petition is also disposed of in the same terms, wherein, it was held thus:-

“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.”

3. Learned State counsel is unable to rebut the factual position in this matter or cite any contrary law.

4. In view of the aforesaid, the present petition is disposed of granting the same relief to the petitioner as in the judgment passed in **Kulwinder Kaur** (supra) within a period of four weeks.

(AMAN CHAUDHARY)
JUDGE

22.02.2024
Hemant

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