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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26206-2021(O&M)
Date of Decision:10.01.2024

AWDESH KUMAR @ ABDESH KUMAR @ ADESH KUMAR
.....*Petitioner*
STATE OF PUNJAB AND OTHERS V/s.*Respondents*

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Lalit Rishi, Advocate for the petitioner.
Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioner by way of this Writ Petition has prayed for issuance of directions to the respondents to consider his case on the post of JBT/ETT (Blind) in Music in pursuance to the advertisement issued by the respondents inviting applications from the blind candidates for the said post. The petitioner possessed the requisite qualifications as required under the said advertisement and at the time of counseling, however, his case for appointment was rejected by the respondents solely on the ground that in the various educational qualification certificates his name was wrongly spelled. In some of the certificates, his name was being mentioned as “Adesh Kumar” and in some of the other certificates, it was mentioned as “Abdesh Kumar” or “Awdesh Kumar” while his real name is “Awdesh Kumar”.

2. The authority noted different spellings of name of the petitioner mentioned in the various certificates, although did not doubt the authenticity of the certificates and that the said certificates belong to the petitioner. Solely because of the reason of wrong spellings of his name, the authorities

proceeded to reject his candidature for the said post and resultantly, the petitioner is before this Court.

3. Learned counsel for the petitioner submits that the petitioner is 100% blind and in his certificates, the names are not entered by him. Upon having come to know about this discrepancy in the spellings of his name in his certificates, he got the corrections made in all the certificates and submitted a detailed representation to the authorities, after the corrections were made. However, the same has remained unanswered and the decision on his representation was communicated denying him the appointment. The request made by the petitioner for correction was rejected vide order dated 12.11.2021. Learned counsel for the petitioner further submits that the action of the respondents is illegal and arbitrary as the authorities did not take into consideration the fact that the petitioner is 100% blind person and the spellings in his certificates have been subsequently corrected also.

4. The respondents have filed their reply and submitted that since the petitioner's name is different on different certificates and the Resident Certificate mentioned a different name, the candidature of the petitioner was rejected. The representation was also rejected on the same count.

5. I have considered the submissions of the learned counsel for both the parties and perused the reply.

6. The respondents did not doubt the validity of the certificates issued to the petitioner and also do not contend that the petitioner does not possess the requisite qualifications or merit for appointment. In fact, they have mentioned that he was in the list of eligible candidates at Sr. No.118 and there were 162 posts available with them.

7. In view thereof, merely because there is discrepancy in the name of the petitioner, whereas his father’s name is mentioned in all the certificates and the authenticity of the certificates is not doubted, this Court finds that the reason coming forward is wholly arbitrary and there is a complete non-application of mind while rejecting the representation of the petitioner. The action of the respondents, therefore, is set aside. The petitioner is declared to be entitled for consideration for appointment on the post JBT/ETT (Blind) in Music in terms of the advertisement and accordingly, the respondents are directed to offer him said post for appointment, if he is otherwise found suitable. The action shall be taken within a period of two months henceforth. The petitioner, of course, would be entitled to his seniority according to his placement in the merit. He would be entitled for notional benefits upto the date of passing of this order and the actual benefits w.e.f. the date of passing of this order.

8. The Writ Petition is allowed accordingly.
9. All the pending applications shall stand disposed of accordingly.

January 10, 2024
Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

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