



CWP-4433-2023 (O&M)

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

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**CWP-4433-2023 (O&M)
Date of Decision :28.05.2024**

Rahul Sharma**...Petitioner**

Versus

State of Haryana and another**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Ranvijay Singh, Advocate & Mr. Arjun Singh, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl. A.G. Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, the grievance being raised by the petitioner is that though, the petitioner is eligible so as to compete for the post in question as per the qualification prescribed in the advertisement dated 20.03.2022 (Annexure P/2) but he has wrongly been denied the benefit of competing by the respondents for the post in question.

Learned counsel for the respondents on the other hand submits that the petitioner was claiming eligibility on the basis of the certificate issued by respondent No.2 dated 05.10.2020 to the effect that the petitioner has completed his B.Sc. Nursing with integrated curriculum of certificate in Community Health as per the notification of the University whereas, the said



certificate is invalid keeping in view the averments, which have been made in para-10 of the reply filed by the respondents wherein, it has been mentioned that the institute itself has mentioned that the said certificate is incorrect as the petitioner has not undergone the integrated curriculum of B.Sc. Nursing, which is essential qualification required to become eligible so as to compete for the post in question.

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

The petitioner is claiming eligibility on the basis of certificate dated 05.10.2020 (Annexure R-2). The validity of the said certificate is in dispute. Para 10 of the reply filed by the respondents is as under:-

“10. That at the outset, it would be apposite to mention here that when the petitioner had furnished the said invalid certificate in Community Health by virtue of which he was claiming benefit of additional 05 marks in the recruitment process, at that point of time members of the scrutiny committee categorically suggested him not to produce his invalid certificate because during the course of scrutiny itself, the veracity of the certificate produced by the petitioner was telephonically verified from the Principal of Medical and Technological Institute of Nursing (Jaipur) and it was transpired that the said certificate is invalid and has been issued to the petitioner inadvertently since, the course was not integrated in the curriculum of B.Sc. Nursing by that time when the certificate was issued. However, the petitioner had remained adamant and virtually constrained the committee to consider his invalid certificate to granted him the benefit of 05 additional marks. Rather he was



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duly apprised by the committee members that there is a specific "Note" mentioned in the public notice dated 03.-06.2022 that in case of fake/invalid document, the candidates would be liable for the criminal action. Regretfully, petitioner despite suggestions of the scrutiny committee marked his bio-metric attendance and strongly persuaded the committee to take into consideration his certificate for the purpose of granting 05 additional marks to him."

There is no replication to controvert the said contents of the reply. As per the reply, respondent No.2 had already notified that the curriculum which the petitioner underwent and the same did not include the integrated curriculum as required for passing B.Sc. Nursing so as to become eligible for the post in question as prescribed in Clause 2.3 of the advertisement issued by the respondents (AnnexureP/2).

That being so, once, the certificate which is being relied by the petitioner is being disputed and the eligibility of the petitioner is not established, no relief is being claimed by the petitioner and the present petition is accordingly dismissed.

Civil miscellaneous application pending if any is also disposed of.

May 28, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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