

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

225

CWP-36075-2019 (O&M)

Date of Decision: 19.03.2024

Surjit Singh

.....Petitioner

Versus

Subordinate Services Selection Board and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Raman Kumar, Advocate for the petitioner.

Mr. Arun Gupta, DAG, Punjab.

AMAN CHAUDHARY, J.(ORAL)

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the impugned order dated 26.08.2019 (Annexure P-14) passed by respondent No.1.

2. Learned counsel would submit that the petitioner, being an aspirant for appointment to the post of Clerk, applied in terms of the advertisement dated 27.11.2015 (Annexure P-4). His candidature was 'held in abeyance', as per the impugned order, observing therein that a similar matter pertaining to the post of Clerk in the recruitment process of 1192 posts of clerks against advertisement No. 02/2013 was pending adjudication in **Narinder Kumar vs. State of Punjab and others**, CWP-15610-2019. He submits that the present case was ordered to be tagged along with aforesaid, which stands allowed by this Court on 18.01.2024.

Further that the shadow of doubt cast on the qualification acquired of BA by the

petitioner can be dispelled from the documents produced by him, which are a verification certificate dated 03.03.2017 and character certificate dated 09.04.2018 (Annexure P-11), issued by the Manav Bharti University. A short reply to the present petition was filed by way of an affidavit dated 11.02.2020 of the Registrar, also affirming the factum of him being its bonafide student, relevant paras thereof read thus:

“2. That the answering respondent/Manav Bharti University is a state Private University established Under Himachal Pradesh state Legislative Act, 2009 and notified under section 2(f) of the University Grants Commission Act of 1956. The University is established in 2009 under the Himachal Pradesh Private University (Establishment and Regulation) Act, 2009 and is owned by Manav Bharti charitable trust with aim to advanced and disseminate knowledge and maintain high standard of learning through teaching research, extension education programme and conceptual aspect relevant to the need of the state. The University is approved by the University Grants Commission vide letter No F. No. 8-6/2010(CPP-I/PU). It is a Government recognized university with the right to confer the degrees as per section 2(f) and 22 (1) of the University Grants Commission Act, 1956.

3. That the Manav Bharti University is empowered under section 22(1) of the University Grants commission to issue the degree and to run the courses as mentioned.

4. That as per record the petitioner Surjit Singh S/o Sh. Basant Singh was student of the university and passed B.A. examination from the university in the year 2012 as per record, the degree (Annexure P-1) is issued by the university.

CHANDIGARH
DATE: 11.02.2020

...Respondent No. 3
Through its' Registrar
Dr. Anupam Thakur.”

3. It is apposite to also refer to the judgment in **Narinder Kumar** (supra), wherein it was observed thus:

“6. From the perusal of the document P-18 dated 01.04.2015, it is noticed that information regarding credential of candidates was sent to the Secretary Subordinate Staff Selection Punjab wherein the name of the candidates were mentioned with their respective registration numbers who had pursued the BA in their University. The name of the petitioner has also been mentioned along with that of Achhru Bansal showing both of them having done their BA in 2012 from Manav Bharti

University. The said documents are sufficient verification of the petitioner having acquired the BA qualification from the Manav Bharti University.

7. This Court also finds that the Manav Bharti University has also reiterated its stand again vide letter dated 27.05.2015 (Annexure P-20).

8. This Court in CWP-7908-2017 titled as Kulwinder Kaur Vs. Punjab Subordinate Service Selection Board and Others decided on 01.12.2023, after noticing the order passed by this Court in Achhru Bansal's case (Supra) held as under:-

“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.”

9. In view of the above, this Court is satisfied that the case of the petitioner cannot be distinguishable to that of the aforesaid two persons in whose favour this Court has already passed the order as above.

10. Accordingly, the Writ Petition is allowed with directions mutatis mutandis to above Kulwinder Kaur (Supra).”

4. Learned State counsel was unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.

5. The present petition is hereby allowed in terms of the judgment in **Narinder Kumar** (supra).

(AMAN CHAUDHARY)
JUDGE

19.03.2024

Rajeev (rvs)

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No