



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.32767 of 2024
Decided on: 04.12.2024

Narinder Kumar

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Anil Kumar Garg, Advocate
for the petitioner.

Mr. Rajesh Sehgal, Addl. A.G., Punjab.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioner under Article 226 of the Constitution of India, is for issuance of a writ in the nature of certiorari, seeking quashing/setting-aside the appointment of respondent No.8 to the post of Salesman-cum-Clerk made on the basis of merit list (Annexure P-4). Further a writ of mandamus has been sought for directing the respondents to appoint the petitioner as Salesman-cum-Clerk.

2. The brief facts as have been pleaded in the petition are that an advertisement dated 21.08.2024, was issued for the post of Salesman-cum-Clerk by respondent No.5 – The Bareta Cooperative Marketing-cum-Processing Society Limited, Bareta, District Mansa and thereafter, a corrigendum to the advertisement was issued and the upper age limit was increased from 30 years to 37 years. The petitioner and others applied for the said post and the petitioner was called for

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interview and he appeared in the interview on 20.09.2024, however, respondent No.8 was given appointment to the post of Salesman-cum-Clerk. The petitioner later came to know that experience certificates submitted by respondent No.8, were not genuine, therefore, he vide application dated 23.09.2024, made a complaint to the Deputy Registrar, Cooperative Societies, Mansa and a copy of the same was forwarded to the Senior Superintendent of Police, Vigilance, Bathinda. Respondent No.3 i.e. Deputy Registrar, Cooperative Societies, Mansa, directed respondent No.4 – Assistant Registrar, Cooperative Societies, Budhlada, District Mansa to get the matter enquired into after joining the petitioner and report be sent to him vide his letter dated 27.09.2024. Consequently, respondent No.4 appointed respondent No.6 – Inspector, Cooperative Society, Bareta, Tehsil Budhlada, District Mansa, who conducted the enquiry and the petitioner was called on 11.10.2024. The petitioner duly appeared before respondent No.6 but he did not do anything and therefore, the petitioner moved an application before respondent No.3 and requested for change of enquiry officer. Thereafter, he approached this Court by filing CWP No.28382 of 2024, which was dismissed being premature vide order dated 21.10.2024. Thereafter, the respondents changed the enquiry officer vide order dated 23.10.2024 and appointed respondent No.7 – Inspector, Cooperative Society, Dharampura, District Mansa, who conducted the enquiry and held that certificates of respondent No.8 are genuine documents and inquiry report as well as verification report to this effect has been filed.

3. The only ground taken in the writ petition and argued by

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learned counsel for the petitioner, during the course of hearing is that the experience certificates of respondent No.8 are not genuine documents and the same have been verified vide Annexure P-13 by the elected member.

4. Once the enquiry officer has submitted the report that the experience certificates submitted by respondent No.8 are genuine and are valid documents, no material has been placed on record of the file of the present petition to show that as to how the experience certificates of respondent No.8 are not genuine. This Court cannot sit over the decision taken by the competent authority while verifying the experience certificates submitted by respondent No.8. Earlier also, the petitioner had approached this Court when the matter was being enquired into by respondent No.6 and the said writ petition was dismissed being premature. Now after the verification of the documents being genuine, the petitioner has again filed the present writ petition without any valid ground.

5. In view of the above, the present petition is dismissed with costs of Rs.10,000/-, to be deposited with the Punjab and Haryana High Court Bar Clerks' Association, within a period of one month from today.

(NAMIT KUMAR)
JUDGE

04.12.2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No