

2025:PHHC:032139



**107+278 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-18082-CWP-2024 in/and
CWP-1193-2021
Date of Decision : 06-03-2025**

RAJBHINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.C Arora, Advocate with
Ms. Sunaina, Advocate for the petitioner.

Mr. T.P.S Walia, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-18082-CWP-2024

This is an application for placing on record replication to the written statement filed by respondent Nos.1 and 2.

Keeping in view the contents mentioned in the application, the same is allowed. Replication to the written statement filed by respondent Nos.1 and 2 is taken on record subject to all just exceptions.

CWP-1193-2021

1. In the present petition, the dispute is qua the Experience Certificate dated 30.09.2020 (Annexure P-6) issued in favour of the petitioner and the petitioner is claiming the benefit of the same so as to get

the marks for the experience whereas the respondent in their reply have stated that no such Experience Certificate was issued and the same is bogus.

2. Keeping in view the fact that the Experience Certificate dated 30.09.2020 (Annexure P-6) the benefit of which is being claimed by the petitioner, is being disputed by the respondents, disputed question of facts arise in the present petition which cannot be decided in the present writ petition as per the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.2848 of 2021 titled "***Shubhas Jain Vs. Rajeshwari Shivam and ors.***", decided on 20.07.2021. The relevant paragraph of the said judgment is as under:-

"26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable."

3. Keeping in view the above, the present petition is disposed of with the observation that the petitioner can avail appropriate remedy before appropriate forum qua the said certificate so as to claim the benefit.

4. Pending application, if any, also stands disposed of.

06-03-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO