

(2016) 05 P&H CK 0362
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 907 of 2015

Mahavir Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 24-05-2016

Acts Referred:

Citation : (2016) 4 PLR 575

Hon'ble Judges : Ms. Ritu Bahri, J.

Bench : Single Bench

Advocate : Mr. Balkar Singh, Advocate, for the Petitioners in C.W.P No. 907 of 2015; Mr. Sandeep Gahlawat, Advocate, for the Petitioners in C.W.P No. 14956, 14957 of 2015 and 9117 of 2016; Mr. Hitesh Pandit, Addl.A.G. Haryana, for the Respondent/State

Final Decision : Dismissed

Judgement

Ms. Ritu Bahri, J.—This order shall dispose of the above four petitions as common question of facts and law are involved in all these petitions wherein prayer is for issuance of direction to the respondents to issue appointment letter to the petitioner for the post of Heavy Vehicle Drivers, in pursuance of the appointment letters issued to the petitioners. However, for the facility of reference, the facts are being taken from C.W.P No. 907 of 2015.

2. Brief facts of the case are that the petitioners applied for the post of Heavy Vehicle Drivers, in pursuance to the advertisement dated 26.10.2012. Petitioners qualified the interview and driving test and on the basis of performance of the petitioners, they were sent offers of appointment against the posts they applied for (P-3). But after verification, their appointment was cancelled as the following education boards are found to be not equivalent to the Secondary Education, as per list of Haryana School Education Board:-

1. Board of Secondary Education, Madhya Bharat, Gwalior;
2. Board of Higher Secondary Education, Delhi

3. Board of Higher Secondary Education, Mohali

4. Board of Adult Education & Training (Proadh Shiksha Sansthan), New Delhi

3. On notice, a written statement has been filed by respondent Nos. 1 to 3 stating therein that as per list of Board of School Education Haryana, Bhiwani (R-2), the Boards related to the petitioners does not fall within the list of the recognised Boards and even all these four Boards are not members of Council of Boards of School Education Haryana, Bhiwani (R-2). After verification of the certificates of the petitioner by the Haryana Education Board, the certificates of the petitioners were not found equivalent to Matric/Secondary Examinations (R-3). Besides this as per list (R-4) received from the website of Rashtriya Mukat Vidhalya Shiksha Sansthan, the Boards from which these drivers got their certificates were found invalid/forged. Further PSEB also informed that PSEB only gives reorganisation to those Boards which holds membership of C.O.B.S.E (R-5). All these four Boards related to petitioners are not members of C.O.B.S.E (R-6)

4. In a short written statement filed by respondent No. 4, it is being reiterated in para No. 3 that the above 4 boards from where the petitioners have done their matric, are not equivalent to the examination conducted by Board of School Education, Haryana.

5. Similar controversy has come up for consideration before this Court in a case of Desh Raj v. State of Haryana and others, passed in CWP No. 15204 of 2015, decided on 22.04.2016, wherein also the services of petitioners was terminated on account of matriculation certificates obtained by them. They applied for the post of Heavy Vehicle Drivers (on contract) basis in pursuance to the advertisement. This Court dismissed the writ petition as the certificates obtained by them were not recognised by statutory Board.

6. In the present case as well, the matriculation certificates of the petitioners were not found to be recognised by the Statutory Board.

7. Thus, the petitioners did not possess the prescribed qualifications and further there was a condition in their appointment letters that if any discrepancy will be found in the education/professional qualifications age caste, re ...benefit under Ex-Servicemen or outstanding sportsmen etc experience that the petitioners had claimed in the applications, the offer of appointment was to be treated as null and void.

8. In view of the above, the writ petitions are dismissed being devoid of any merits.