

C.A.No. 633 OF 1998

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ITEM NO. 102 COURT NO. 7 SECTION IV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 633/1998

State of Punjab & Anr. .. Appellant (s)

Vs.

Sarav Preet & Ors. .. Respondent(s)

(With prayer for interim relief and office report)

DATE : 20.9.2001 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Appellant (s) : Mr. H.S. Munjral, Adv.
Ms. Kawaljit Kochhar, Adv.
Mr. Rajeev Sharma, Adv.

For Respondent (s) : Mr. Rajshekhar Rao, Adv.
Ms. Indu Malhotra, Adv.

UPON hearing counsel the Court made the following

O R D E R

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The appeal is allowed in terms of the signed order.

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Charanjit [Om Prakash]
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 633/1998@@
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State of Punjab & Ors. .. Appellants

Vs.

Sarav Preet & Ors.

.. Respondents

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The post of Lecturer in Geography was sought to be filled in the Punjab Educational Service College Cadre and an advertisement to this effect was published which indicated that the qualifications required for the same would be as under :

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"Essential Minimum Qualification:

- (i) Master's Degree in the relevant subject with at least fifty five per cent marks or its equivalent grade, as the case may be;
- (ii) Good academic Record; ;and
- (iii) Should have qualified the comprehensive prescribed under the guidelines issued from time to time by the University Grants Commission or by the Government of Punjab.

Explanation : The term 'Good Academic Record' means at least second class with 50% marks in Graduation Degree."

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This requirement is in accordance with the relevant Rules framed for recruitment of Lecturers. The first respondent (hereinafter referred to as the respondent) is one of the applicants. She claimed to have passed the UGC comprehensive test in Human Geography and population studies and it was informed that UGC does not conduct NET in Geography. However, the appellants rejected her application. In support of her claim she had produced a letter from the UGC before the recruiting authority. When the appellants rejected her application she filed a writ petition before the High Court that she had been wrongly excluded from consideration.

The Division Bench of the High Court which dealt with the matter allowed the writ petition on the basis that there is no material before the Court to state that the Government of Punjab has conducted such comprehensive tests in the State in Geography nor the University Grants Commission has conducted certain tests. It is only in related subject of Human Geography and Population studies that such a test had been conducted.

It is brought to our notice that the respondent had in fact appeared in the examination conducted by the

Punjab University which had been authorised to conduct such examination for recruitment of lecturers in Geography and she had applied for the same in the year 1995 with Roll No. 3316 but she failed in the same. If that was so, the respondent had an obligation to disclose

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this fact before the High Court. Not having done so and not possessing the relevant qualification and all that she possessed was only a qualification in a related subject which was not sufficient for the purpose of the recruitment is sufficient to dismiss her petition. In the circumstances we think the view of the High Court is not justified and same should be set aside and the writ petition filed by the respondent should be dismissed. It is ordered accordingly. The appeal is, therefore, allowed.

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[S. RAJENDRA BABU]@@
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[DORAISWAMY RAJU]@@
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New Delhi,@@
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September 20, 2001 @@
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