HARYANA VIDYUT PRASARAN NIGAM LIMITED

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To

1. The CE/Admn., HVPNL, Panchkula.
2. The CGM/Admn., UHBVN, Panchkula.
3. The CE/Admn., HPGCL, Panchkula.
4. The CGM/Admn. & HR, DHBVN, Hisar.

Memo No. 35/LB-2(122) Dated: 27.10.2022

Subject: CWP No. 23717 of 2021 titled as Madhulika Vs. DHBVN & Ors.

Attention is drawn to judgment dated 22.09.2022 passed in subject cited case vide which the Hon'ble High Court dismissed the aforesaid Civil Writ Petition on account of delay and laches. The operative part of judgment dated 22.09.2022 is given here under: -

"The petitioner had applied for the post of Upper Divisional Clerk in pursuance to an advertisement issued by the Haryana Staff Selection Commission in the year 2016 for various posts of UHBVNL/DHBVNL. The last date for submitting the application was 04.04.2016. The petitioner had submitted her application before the last date and had made a mention of her having qualified the B.Com. Examination from EIILM University, Sikkim for the sessions 2009 to 2011. The essential academic qualification for the post of Upper Divisional Clerk was Bachelor Degree of Commerce with at least 60% marks for general category and 55% marks for SC category candidates of Haryana Domicile from any university recognized by the Government of Haryana. The respondents/DHBVNL, after offering appointment to the petitioner in the year 2018, are stated to have got the verification done from the Higher Education Department, Sikkim and the response which they have received as stated in the reply is reproduced hereunder:-

'This is submitted for your kind information that B.Com. Degree obtained from EIILM University Sikkim is not UGC/DEC recognized course. As such the enclosed marksheet copies of all the following candidates are not valid/genuine:

1. Jai Bhagwan
2. Suneel Kumar
3. Ravinder Kumar
4. Madhulika and
5. Deepak Mittal"

The second degree which the petitioner is stated to have acquired from ARNI University, Himachal Pradesh for the sessions 2012 to 2015 had not been mentioned/appended at the time of the submission of her application form or scrutiny of the documents and, therefore, that has not been rightly taken into account by the respondents.

It is, thus, manifest that the petitioner had been selected on the basis of a degree which was found to be not valid/genuine and therefore, the action of the respondents for terminating her services cannot be faulted. Consequently, the petition stands dismissed".

It is an important judgment on the issue that services of the employee can be terminated on the basis of a degree found to be not valid/genuine after selection. The above

Diary No. 4293
Dated 31/10/22
Supdt.
AE
AEE-I
AEE-II
AEE-III
AEE-IV
AEE-V
AEE-VI
D.S/Estt.

No. 7457
Dated 31/10/22
D.S/Estt.
D.S/NGE
D.S/General
D.S/T&M
X.E.N/HR&TRG
X.E.N/Rectt.
CE/Admn.,

judgement be circulated to offices under your control for praying dismissal of similar cases by placing reliance on the judgment dated 22.09.2022 passed by Hon'ble High Court. It is also requested to direct the concerned Deputy Secretary, Technical to host the Judgment dated 22.09.2022 on the website of concerned Power Utility. A complete copy of judgment dated 22.09.2022 is enclosed herewith for ready reference

This issue with the approval of L.R.

DA/As above

Legal Officer,
HPU, Panchkula.

CC:-

1. The Deputy Secretary/Technical, UHBVN, Panchkula and DHBVN, HVPNL, HPGCL, Hisar for hosting on website.
2. The CE OP Circle, UHBVN, Panchkula & Rohtak.
3. The CE OP Circle, DHBVN, Hisar.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

108 **CWP-23717-2021**
Date of decision : 22.09.2022

Madhulika

... Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate for the petitioner.

Mr. B.R. Mahajan, Senior Advocate with
Mr. Hitesh Pandit, Advocate and
Ms. Nikita Goel, Advocate for the respondents.

Mr. Anant Kataria, DAG, Haryana.

***

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the orders dated 11.05.2021 and 05.10.2021 (Annexure P-7 and P-10 respectively) whereby her services have been terminated and the appeal filed thereagainst has been dismissed.

Learned Senior counsel for the petitioner submits that the petitioner was a meritorious candidate and had been duly selected as an Upper Divisional Clerk against the advertisement No.3/2016. Her work and conduct during 2 ½ years of service for which she had rendered, was satisfactory. The petitioner had duly obtained the degree of Bachelor of Commerce from EIILM University, Sikkim for the period 2009 to 2011 which was duly recognized by the University Grants Commission. He has referred to a copy of the State-wise list of Private Universities as on 11.09.2015 notified by the University Grants

Commission, which is annexed as Annexure P-6. He further submits that the petitioner had also done B.Com. from ARNI University, Himachal Pradesh for the sessions 2012 to 2015 and there is no dispute with regard to the authenticity and validity of the recognition of the B.Com. degree which she had obtained from ARNI University, Himachal Pradesh. He, therefore, submits that the services of the petitioner could not have been dispensed with.

Learned counsel for the respondents, while relying upon the reply filed by the respondents, submits that the petitioner had appended a copy of the B.Com. degree from EIILM University, Sikkim along with her application form, which is appended as Annexure R-7. The respondents had written to the Director, Higher Education, Human Resource Development Department, Government of Sikkim, Gangtok for verification of the degree obtained by the petitioner and they had received a response from the Registrar (IC) EIILMU/Deputy Director, Higher Education, Gangtok stating that the degree was not recognized by the UGC/DEC. A copy of the communication is appended as Annexure R-4 along with the reply.

Heard.

The petitioner had applied for the post of Upper Divisional Clerk in pursuance to an advertisement issued by the Haryana Staff Selection Commission in the year 2016 for various posts of UHBVNL/DHBVNL. The last date for submitting the application was 04.04.2016. The petitioner had submitted her application before the last date and had made a mention of her having qualified the B.Com. Examination from EIILM University, Sikkim for the sessions 2009 to 2011. The essential academic qualification for the post of Upper Divisional Clerk was Bachelor Degree of Commerce with at least 60%

marks for general category and 55% marks for SC category candidates of Haryana Domicile from any university recognized by the Government of Haryana. The respondents/DHBVNL, after offering appointment to the petitioner in the year 2018, are stated to have got the verification done from the Higher Education Department, Sikkim and the response which they have received as stated in the reply is reproduced hereunder:-

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The second degree which the petitioner is stated to have acquired from ARNI University, Himachal Pradesh for the sessions 2012 to 2015 had not been mentioned/appended at the time of the submission of her application form or scrutiny of the documents and, therefore, that has not been rightly taken into account by the respondents.

It is, thus, manifest that the petitioner had been selected on the basis of a degree which was found to be not valid/genuine and therefore, the action of the respondents for terminating her services cannot be faulted.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

September 22, 2022
sonia gugnani

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No