

SWP No.1007/2007
CMP Nos. 1444/2007& 2983/2010

Harjeet Singh Vs. **Union of India & ors.**
Coram:

Appearing Counsel:

For the Petitioner(s) :Ms. Surinder Kour, Sr. Advocate with
Mr. Rajiv Gorka, Advocate.
For the Respondent(s) :Mr. N.A.Choudhary, CGSC.

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| i) | Whether approved for reporting
in Press/Media | : Optional |
| ii) | Whether to be reported
in Digest/Journal | : Yes |

The Petitioner-Harjeet Singh was called upon to furnish Character Certificate, Simple Verification Forms, Cast/Tribe/Category Certificate, Date of Birth/Age Relaxation Certificate and Educational/Technical Qualification Certificates pursuant to his selection as Junior Engineer (Civil) in Military Engineering Service. He, however, was not offered appointment despite his furnishing requisite Certificates. He has approached this Court seeking directions against Union of India, Engineer-in-Chief-Army Headquarters, and others for his appointment as Junior Engineer (Civil). Restraint directions for not filling up the post for which he was selected too have been sought for against the respondents.

According to the respondents the petitioner was disentitled to appointment because of his ineligibility, in that, he had failed to disclose requisite information at the time of filling up Application Form for participation in the Selection as to whether or not he was debarred/disqualified by any Public Service Commission/Staff Side Selection Commission, which he was required compulsorily so to do, when as a matter of fact, he stood disqualified for ten years for participation in any examination or selection.

I have heard learned counsel for the parties and considered their submissions.

The respondents' plea that the petitioner was ineligible to participate in selection for appointment because of suppressing information which he was otherwise required under rules to disclose while filling up Application Form that he stood disqualified for ten years for any examination or selection, is not questioned by the petitioner in the Writ Petition and in the absence of any challenge to the ineligibility attributed to him by the respondents to compete for the advertised post, the petitioner's prayer for issuance of directions to the respondents to appoint him as Junior Engineer (Civil) on the basis of his selection, cannot be considered, for, selection as such does not vest any right to appointment which the employer, in the exercise of its prerogative, may refuse for any justifiable reason which in the present case was stated

suppression of material fact of petitioner's disqualification for ten years which he was otherwise required so to disclose before seeking consideration for appointment.

The petitioner's Writ Petition, without any challenge to his ineligibility is, therefore, found non-maintainable, hence dismissed. The petitioner is, however, left free to look up his remedy against his ineligibility.

(J. P. Singh)
Judge

Jammu
29.03.2012
Vinod.