

**IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN**

BENCH AT JAIPUR

S.B.CIVIL WRITS NO. 13731 / 2015

SUKHVEER SINGH DAGUR

----Petitioner

Versus

STATE (HOME DEPARTMENT)ORS

----Respondent

For Petitioners :Mr. Balveer Singh Beniwal

For Respondents :Dr. A.S. Khangarot, AGC

**HON'BLE MR. JUSTICE KANWALJIT SINGH
AHLUWALIA**

Judgment

30/11/2016

The present petition has been filed under Article 226 of the Constitution of India, praying that the respondents be directed to add three marks of NCC Certificate 'C', in the qualification of the petitioner. A further prayer has been made that the respondents be directed to prepare the merit list afresh qua the petitioner.

Briefly stated, the petitioner, in pursuance of advertisement issued, submitted online application form for appointment to the post of Constable (General) in the 11th Battalion, Delhi. It is not denied that the petitioner was found eligible and was called

for interview. It is also not disputed that in the application form, the petitioner specifically stated that he had obtained NCC Certificate 'C' and therefore, the same be added in the qualification of the petitioner. It is also not denied that the respondents have not granted three marks which had to accrue to the petitioner because of NCC Certificate 'C' obtained by the petitioner.

This Court had asked Dr. A.S. Khangarot, the learned Addl. Government Counsel appearing for the respondents to call for the record. Today, Mr. Krishna Chand, Dy. Commandant, Rajasthan Police Service, is present in the court along with the record. The interview board admittedly had not awarded three marks to the petitioner regarding NCC Certificate 'C' obtained, by the petitioner. It is also not denied that any candidate who is possessed of NCC Certificate 'C' is entitled to be awarded three marks.

Dr. A.S. Khangarot, learned counsel for the respondent has submitted that the petitioner had not produced NCC Certificate 'C' at the time of interview. However, Dr. A.S. Khangarot, has very fairly admitted that in case three marks towards NCC Certificate 'C' are awarded to the petitioner, he make to the merit list and is in the selection zone.

The learned counsel for the petitioner has

submitted that the respondents to give advantage to certain influential persons have not awarded three marks which were due to the petitioner. The learned counsel for the petitioner has submitted that this is a case of favouritism and to help certain persons purposely three marks which were due to the petitioner, were not awarded by the interview Board. The learned counsel for the petitioner has submitted that once the petitioner had produced all testimonials, it is to be assumed that the petitioner had also produced NCC Certificate 'C'.

Having examined the record, this Court is of the view that had the petitioner not produced the certificate in his favour, officials ought to have given a note that the petitioner has failed to produce requisite certificate. Since no such note to this effect has been appended in the records, this Court is of the view that three marks to the petitioner regarding his qualification of NCC Certificate 'C' ought to be granted.

Hence, the petitioner is held entitled to award of three marks qua his NCC Certificate 'C'. The respondents are directed to cast fresh merit of the petitioner by awarding three marks due to the petitioner regarding NCC Certificate 'C' which the petitioner had obtained before submission of the application.

As a result of above discussion, it is ordered that

the petitioner shall be awarded three marks for having obtained NCC Certificate 'C' and thereafter, merit qua the petitioner shall be prepared and in case, the petitioner comes within the zone of successful candidates, appointment letter shall be issued in favour of the petitioner within a period of one month from the date of receipt of certified copy of this order.

(KANWALJIT SINGH AHLUWALIA)J.

Mak/-

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