



**IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)**

WRIT PETITION (S) NO. 1545 OF 2008

PETITIONER

: Narendra Kunjam, Single Bens
S/o., Shri D.D. Kunjam,
Aged about 25 years,
MDS 120, Sant Kabir Nagar,
Sondungari, Raipur,
District - Raipur (C.G.)

1438/08
S.P. Singh
29/2/08

VERSUS

RESPONDENTS:

- 1 State of Chhattisgarh,
Through the Secretary,
Department of Health,
D.K.S. Bhawan, Mantralaya
Raipur (C.G.)
2. Chhattisgarh Public Service
Commission, Through its
Secretary, C.G.P.S.C.,
Raipur (C.G.)
3. Controller of Examinations,
Chhattisgarh Public Service
Commission, Shankar Nagar,
Raipur (C.G.)
4. Principal, Autonomous
Government Ayurvedic College,
Gwalior (M.P.)
5. Dr. K.L. Mishra,
Professor, Autonomous
Government Ayurvedic College,
Gwalior (M.P.)
6. Principal,
Government Ayurvedic College,
Raipur (C.G.)

RECEIVED-COPY
29/2/08
CLERK TO A.G. BILASPUR



**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

A.F.R



HIGH COURT OF CHHATTISGARH AT BILASPUR

(Hon. Mr. Justice Pritinker Diwaker)

Writ Petition (S) No. 1545 of 2008

PETITIONER

Narendra Kunjam

VERSUS

RESPONDENTS

State of Chhattisgarh and 4 others

Shri P. S. Koshy and Shri Vaibhav Shukla, counsel for the petitioner.

Shri Ajit Singh, PL for respondents 1 and 6.

Shri Y. C. Sharma, counsel for respondents 2 & 3

Shri J. P. Shukla, counsel for respondent No.5

WRIT PETITION UNDER ARTICLES 226 OF THE
CONSTITUTION OF INDIA

Copy of

ORDER
(18.11.2010)

Challenge in this petition is to the order dated 20.2.2008 (Annexure P-13) issued by respondent No.2 by which the petitioner has been debarred from appearing in any of the examinations conducted by the Chhattisgarh Public Service Commission for a period of 10 years.

2. Facts of the case in brief are that on 20.9.2006 an advertisement (Annexure P-3) was issued by the Chhattisgarh Public Service Commission for the post of Ayurvedic Medical Officer to clear the backlog vacancies from amongst scheduled caste and scheduled tribe categories. As per the advertisement, one of the essential qualifications was that a candidate should have possessed the degree of BAMS before the last date of submission of application form i.e. 28.10.2006. The petitioner who was a student of BAMS in Auto Government Ayurvedic College and Hospital, Gwalior, M.P. falling within the Jiwaji University, Gwalior, had submitted his application form along with internship certificate (Annexure P-2) showing the fact that he had undertaken compulsory rotatory internship from 25.10.2005 to 26.10.2006. On the basis of application form and the internship certificate, call letter (Annexure P-4) was issued to the petitioner by the Chhattisgarh Public Service Commission and based on that he had appeared in the interview. At the time of interview after scrutinizing the documents it was found by the Chhattisgarh Public Service Commission



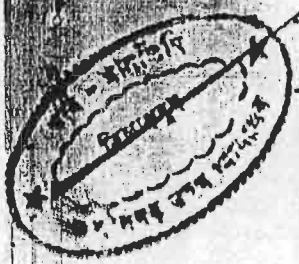
CELL

- 2 -

that the petitioner had completed his compulsory rotatory internship of one year from 25.10.2005 to 6.11.2006 and not from 25.10.2005 to 26.10.2006 as stated by the petitioner. The Chhattisgarh Public Service Commission has obtained the actual internship certificate of the petitioner Annexure R/2-3 from the university in which it has been categorically mentioned about the internship period of the petitioner. Thereafter, the petitioner was issued a show cause notice (Annexure P-7) on 9.10.2007 which was replied to by the petitioner on 18.10.2007 (Annexure P-8). Being dissatisfied with the reply of the petitioner, the order impugned (Annexure P-13) has been passed by the Chhattisgarh Public Service Commission debaring the petitioner for a period of 10 years from appearing in any of the examinations conducted by it.

3. Counsel for the petitioner submits that the petitioner has not produced any forged document showing the completion of his internship. He submits that internship certificate (Annexure P-2) dated 26.10.2006 has been issued by the Principal of the Auto Government Ayurvedic College and Hospital, Gwalior, M.P. and even before this Court the Principal has not denied the factum of issuance of said certificate. He submits that internship of the petitioner had started on 25.10.2006 and based on that he had applied before the Principal and internship certificate was issued to him. He submits that the order impugned debaring the petitioner for a period of 10 years from appearing in any of the examinations conducted by the Chhattisgarh Public Service Commission is just to harass him and if the same is allowed to stand, a meritorious student like the petitioner would suffer an irreparable loss in getting employment in the State of Chhattisgarh. He submits that the petitioner is a resident of Chhattisgarh and looking to the hardship likely to be caused to the petitioner, the order impugned is required to be suitably modified. He submits that on the date of issuance of the order impugned the petitioner had attained the age of 25 years and if a period of ten years' debarment is further added to it, he would not be in a position to appear in any of the examinations conducted by the Chhattisgarh Public Service Commission because the maximum age limit for such examinations is 35 years.





4. Counsel for respondents 2 and 3 submits that the petitioner was sent for internship with about eight days delay and therefore the question of his completion of one year internship on 26.10.2006 does not arise. He referred to the reply to the show cause notice (Annexure P-8) given by the petitioner in which it has been stated by him that there was eight days delay in commencement of the internship. He submits that a detailed enquiry was conducted by the Chhattisgarh Public Service Commission in respect of issuance of internship certificate Annexure P-2 and during the said enquiry Annexure R/2-3 has been issued by the Principal, Auto Government Ayurvedic College and Hospital, Gwalior, M.P. indicating the correct dates of the internship undergone by the petitioner. During the course of argument counsel for respondents 2 and 3 took this Court through the enquiry papers of the petitioner which show that a detailed enquiry was conducted by the Chhattisgarh Public Service Commission. He submits that the principal of Auto Government Ayurvedic College and Hospital, Gwalior, M.P. ought not to have issued the certificate of completion of internship of the petitioner. He referred to paragraphs 13 A (4), 13 A (5), 13 A (6), 13 A (10), 14 A and 14 B of the advertisement empowering the Chhattisgarh Public Service Commission to take appropriate steps in the case of submission of any forged document. He submits that the action has been taken against the petitioner after giving due opportunity of hearing to him and after verifying the facts and circumstances of the case and therefore the action of the Chhattisgarh Public Service Commission cannot be interfered with.

5. Counsel for respondent No.5 who had issued the certificate of completion of internship to the petitioner submits that Annexure P-2 was issued by respondent No.5 under the bona fide impression that when the petitioner had started internship on 25.10.2005, in normal course he would complete the same on 26.10.2006.

6. Heard counsel for the parties and perused the documents available on record.

7. From the record it is clear that the petitioner had started his internship on 25.10.2005 but in between there was eight days delay in sending the petitioner for second training of nine months and in stead of



-4-

25.1.2006, the petitioner was sent on 3.2.2006 and ultimately on account of this eight days delay he could complete his internship only on 6.11.2006. From the documents it is also clear that the petitioner was required to have the academic qualification before 28.10.2006 but he obtained the same on 6.11.2006 and in these circumstances the Chhattisgarh Public Service Commission was fully justified in rejecting the candidature of the petitioner. It is also not disputed that Chhattisgarh Public Service Commission is empowered to issue the order impugned punishing the students like the petitioner in the event of submission of any forged document. However, in the present case there was some bona fide difficulty with the petitioner to complete his internship which in fact commenced on 25.10.2005 but in stead of 26.10.2006, it came to be completed on 6.11.2006. Apparently, the document (Annexure P-2) submitted by the petitioner appears to be an incorrect one but to term the same as fake or forged would be a too harsh terminology for the petitioner especially when the respondent No.5 admits that the same was issued by him under the bona fide impression that as the petitioner had started his internship on 25.10.2005, he would complete the same on 26.10.2006. It is no longer in dispute that the petitioner has acquired the qualification of BAMS and also undergone one year compulsory rotatory internship on 6.11.2006.

8. Considering the facts and circumstances of the case and keeping in view the future prospects of the petitioner, this Court is of the considered opinion that the order impugned debaring the petitioner for a period of 10 years from appearing in any of the examinations conducted by the Chhattisgarh Public Service Commission is shockingly disproportionate and thus needs certain modification. Accordingly, the petition is partly allowed. The order impugned is modified to the extent that debarment of the petitioner for a period of ten years as imposed by the Chhattisgarh Public Service Commission is reduced to that of two years. At this stage, counsel for the petitioner submits that the petitioner apprehends that in future, Chhattisgarh Public Service Commission may treat the order impugned as stigmatic against the petitioner. Needless to say that when the punishment of debarment of the petitioner from appearing in any of the examinations conducted by the Chhattisgarh





-5-

Public Service Commission itself has been reduced from ten years to two years, the same cannot be treated as a stigmatic against the petitioner.

9. Petition thus partly succeeds.

Sd/-
Pritinker Diwaker
Judge

मुख्य-प्रतिलिपि
23/11/20
मुख्य प्रतिलिपिकार
उच्च न्यायालय, उत्तरांचल
दिल्ली

23/11/20
144831/20

(1) Application received on	17/11/20
(2) Applicant told to appear on	20/11/20
(3) Applicant appeared on	23/11/20
(4) Application (With or without further or correct particulars) sent to record room	19/11/20
(5) Application received from record room with record	23/11/20
(6) Applicant given notice for further or correct particulars on	—
(7) Applicant given notice for further particulars on	—
(8) Notice in column (6) or (7) complied with on	—
(9) Copy ready on	23/11/20
(10) Copy delivered or sent on	23/11/20
(11) Court-fee realised	23/11/20

23/11/20
Comparator

Head Copyist

23/11/20