

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 7144 of 1993 (O&M)
Date of decision : 06.05.2015

Roshni Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Tej Pal Dhull, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

AMIT RAWAL, J. (Oral)

Challenge in the present writ petition is to the order dated 01.06.1993 (Annexure P-7), whereby the service of the petitioner was terminated on the ground that Diploma in Language Teacher Course obtained by the petitioner from Secondary Education Board, Berrelly (U.P.) is not being recognized by the State of Haryana.

Vide letter dated 17.04.1992 (Annexure P-3), the petitioner

was recruited on the post of Hindi Teacher on the various terms and conditions.

Learned counsel for the petitioner contends that the petitioner had passed the matriculation examination from the Board of School Education, Haryana and passed the Parbhakar from Punjabi University, Patiala and in the year 1979 obtained Diploma in Language Teaching from Secondary Education Board, Uttar Pradesh. He further submits that various other teachers, whose names have been given in ground No.(iii) who had passed same Language Teacher Course have been appointed and their services have been regularized which fact has not been denied by the State in the written statement.

He further submits as per Annexure P-8 i.e. letter dated 18.03.1975 issued by the Education Commissioner and Secretary to all Heads of Department, on the subject of recognition of different types of qualifications for appointments, wherein it has been mentioned that the degrees and diplomas issued by the recognized Universities and Higher Secondary Board established by the State will also be recognized ipso facto as the degrees and diplomas recognized by Government of India will be recognized by Haryana Government.

Mr. Hitesh Pandit, learned counsel for the State submits that petitioner did not fulfill the qualification of Hindi Teacher as prescribed in the Punjab Educational Service, Class III, School Cadre, Rules, 1955 and the Diploma in Language Teacher Course obtained by her from Secondary Education Board (U.P.) Berrelly is not

recognized/equivalent.

He further submits that persons who are having similar diplomas from the Secondary Education Board of Berrelly filed SLP in Hon'ble Supreme Court of India on the ground that petitioners, therein, did not have essential qualification for appointment as Official Teacher. He further submits that petitioner was appointed only to comply with the decision of Hon'ble Supreme Court subject to the decision of Hon'ble Supreme Court in SLP filed against order of this Court in CWP No.6952 of 1993 and the Hon'ble Supreme Court had passed an order that in case the respondents therein did not possess the requisite qualification, the benefit of the order will only available to the petitioner (therein) only if she fulfills qualification required under the Rule.

I have heard learned counsel for the parties and appraised the paper book.

The letter dated 18.03.1975 (Annexure P-8) reads thus:-

*“English Version of Letter No.2148-Edu.II (4E)
75/8784 Dated 18.03.1975 from the Education
Commissioner and Secretary to All Heads of
Departments etc.*

*Sub:- Recognition of different type of qualifications
for appointments.*

Sir,

*Attention is invited to the subject noted above.
You are informed that the question of making
changes in the present policy of Govt. regarding*

grant of recognition to different kinds of qualifications has been under the consideration of the Govt. for some time. Now the Govt. has taken the following decisions:-

- 1) The degrees and diplomas etc. which are recognized by the Govt. of India will be recognized by Haryana Govt.*
- 2) The degrees and diplomas etc. which are issued by the recognized universities and higher secondary Board established by the State will also be recognized ipso facto.*
- 3) In addition to this, if any reference is received from any State Govt. in respect of other degrees/diplomas the same will be examined and such diplomas/degrees etc. will be recognized on reciprocal basis.*
- 4) Besides the above requests are also received from some other institutions for recognition which are not covered by any of the three categories particularly such institutions as are run for music and art etc. Some of these institutions are already recognized. In respect of such institutions and the degrees/diplomas awarded by them no general policy can be laid down. If there is any such request it can be considered on its own merits.*

In the above decision, Universities mean such recognized universities:-

- i) which are established in any State of India by law.*
- ii) Certificates, diplomas, degrees awarded by Punjab Sind or Dacca Universities in respect of*

examinations conducted before 15.8.47.

iii) Any other university which is declared as recognized by the Govt.

But if some recognized degree of any University has been de-recognized/is de-recognized by the State Govt. such a degree will not be considered as having been recognized until the Govt. takes an independent decision in the matter.

If any department of some other State awards a certificate diploma on the basis of certain examinations which makes one eligible for appointments and if he makes requests for recognition of such certificates/diploma for appointment in Haryana State, then the concerned department will compare the duration, qualification for admission and syllabus of the degree of the other State with those of his own State. Thereafter if they reach the conclusion that there is no objection to the grant of recognition to the degree of the other state on reciprocal basis, then they should make their complete recommendations to the Education Department so that further necessary action in the matter could be taken.”

In view of the letter issued by the Education Commissioner and Secretary, it is clear that degree diploma recognized by the Government of India will be recognized by the Haryana Government. It is not in dispute that degree and diploma in Language Teacher Course obtained by the petitioner from Secondary Education Board Berrelly

(U.P.) is recognized by Government of India and, therefore, the diploma obtained by the petitioner cannot be said to be recognized by the Government of Haryana and stand taken in the impugned order is not only fallacious but illegal and arbitrary.

It has been submitted that writ petition was filed and there was an interim stay and petitioner during the pendency of the writ petition, has superannuated. Since the Diploma in Language Teacher Course obtained by the petitioner from Secondary Education Board, Uttar Pradesh is recognized by the Government of India and adopted by the State of Haryana, the order of termination thus is not sustainable in the eyes of law and is hereby quashed and the petitioner shall be entitled to all the statutory benefits which a regular employee is entitled to owing to the factum of superannuation.

Writ petition is allowed.

06.05.2015

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**(AMIT RAWAL)
JUDGE**