

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.18256 of 2012
Date of Decision: 23.01.2015**

Sarwan Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ram Naresh Ojha, Advocate,
for the petitioner.

Mr. Rajiv Prashad, Addl. AG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

A compressed course of four months is no substitute for the Post Graduate Diploma in Computer Applications earned from recognized Universities/Institutions with duration of one year. Merely because there is a training centre which offers a compressed computer course in Bangalore under the aegis of the Indian Air Force/Indian Army will not make it valid certificate for purposes of criteria for recruitment in Punjab on the post of Constable (Instructor), Information Technology Wing of the Punjab Police.

Learned counsel for the petitioner relies on a memo dated November 21, 2011 issued by the Director, Sainik Welfare, Punjab Sainik Bhawan, Chandigarh addressed to the Inspector General of Police-cum-

Chairman, Recruitment Board, Punjab Police Headquarters, Chandigarh and especially para.2 thereof intimating that after discharge/retirement from service, the discharge book issued to army soldiers is a valid document and the resettlement courses conducted by the Defence Ministry after retirement from the Army are valid and dependable for employment in civil service. The petitioner is an Ex-Serviceman. He applied in the category of Ex-Serviceman (General). He was discharged from the Army on March 31, 2011. The compressed course was completed many years ago on August 07, 1998.

However, in the written statement filed by the State, it has been averred that the Director General of Military Training, General Staff Branch, Army Headquarters, DHO RO, New Delhi in his letter No. A/63092/GS/MT-10(b), dated 15th September 1993 (Annexure R-6) never authorized the Director, MSB Data System, Computer Centre C-4/233, BDA-Flats, Airport Road, Damlour, Bangalore to conduct the Post Graduation Diploma in Computer Applications (PGDCA) for the serving personnel of the Armed forces, which has also been placed on record as Annexure R-6 identical to Annexure P-7, though the letter numbers are different. The criteria for selection laid down in the advertisement/rules for the post of Constable Instructor at page 23 of the paper book is as follows:-

"iii) Educational Qualifications:-

The minimum educational qualification will be:

Either 10+2 from the State Board of Education/Any Recognized Board and one Year Computer Operator Programming Assistant (COPA) Course from Industrial Training Institutes (ITI) & also should have undergone 1 Year Apprenticeship (Industrial Training).

OR

Matriculation from the State Board of Education/Any recognized Board and Diploma in Computer Engineering/Information Technology (Duration 3 Years) from a recognized State Polytechnic Institute/College.

OR

10+2 from the State Board of Education/Any Recognized Board or University and 'O' Level Computer Course from the Department of Electronics and Accreditation of Computer Courses (DOEACC) OR One year certified Computer Course in Computer / IT / Hardware / Networking / Software Application/Web Technologies/Server approved by All India Council of Technical Education (AICTE), State Technical Board of Education or National Council for Vocational Training (NCVT) etc.

OR

10+2 from the State Board of Education/Recognized University and B.Sc.(IT) or BCA or Postgraduate Diploma in Computer Application (PGDCA) or similar or higher qualifications related to Information Technology from recognized university."

There are four situations enumerated in the criterion which are separated by the word "OR". The petitioner's case does not appear to fall in any of the four as he has not qualified the PGDCA course from a recognized university with study duration of one year. Situation 3 relied upon by the learned counsel for the petitioner in his client's favour fails to qualify the petitioner as I read nothing there in support of his case for public appointment in Punjab.

On the other hand, Mr. Prashad relies on the decision of this Court in CWP No.17985 of 2012 titled *Manohar Lal vs. State of Punjab and another* and CWP No.18413 of 2012 titled *Ajayaver Dubey vs. State of Punjab and others*.

The question whether the abbreviation "etc." in situation 3 accommodates the certificate possessed by the petitioner as valid qualification in the compressed course of four months has been considered by the learned Single Judge in CWP No.18413 of 2012 titled *Ajayaver Dubey vs. State of Punjab and others* with the following observations:-

"Learned counsel for the petitioner would refer to the advertisement wherein the educational qualifications have been prescribed and it has been stipulated that the computer course should be approved by an All India Council of Technical Education, State Technical Board of Education or National Council for Vocational Training etc. Counsel would lay great emphasis on the word "etc." to contend that even the certificate of Diploma in Computer Application that the petitioner possesses from the private institute would be covered under the ambit of expression "etc."

I am unable to accept the submission raised by the learned counsel for the petitioner. The educational qualifications as per the advertisement clearly spell out that the alternative qualification prescribed were to be from the recognized institutions/Universities or from such institutions which are approved by the All India Council of Technical Education, State Technical Board of Education or National Council for vocational Training. Even a candidate who possesses the Post-Graduate Diploma in Computer Application or similar of higher qualification related to the information technology were eligible only if such qualification was from the recognized University. By no stretch of imagination can diploma in computer course undergone from a private institution be treated at par with the requisite computer qualifications from recognized institutions/Universities. I find no infirmity in the impugned order dated 24.07.2012 (Annexure P-9), whereby the petitioner has been held to be ineligible for the Post of Constable IT Operator."

In view of the legal position explained above, no interference is

called for in this petition and the same is ordered to be dismissed. However,
without any order as to costs.

(RAJIV NARAIN RAINA)
JUDGE

23.01.2015
manju