

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

CWP No.902 of 2014

Date of decision: 22.09.2015

Ashok Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. A.K. Kansal, Advocate,
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Ms. Samiksha Jain, Advocate, for
Mr. A.S. Virk, Advocate,
for respondent No.4.

DEEPAK SIBAL, J. (Oral)

Through the present petition, the petitioner seeks issuance of a direction to the respondents to treat his degree of Acharya as equivalent to MA Sanskrit for appointment to the post of Post Graduate Teacher (PGT) in Sanskrit .

A few facts may be noticed.

Through advertisement dated 07.06.2012, the respondents sought applications for appointment to the post of Post Graduate Teachers including Post Graduate Teachers in Sanskrit. One of the essential qualifications for consideration of the candidature of the applicants for the post of PGT Sanskrit, was that the candidate should possess MA Sanskrit with at least 50% marks.

Admittedly, the petitioner does not possess the degree of MA Sanskrit, but on the strength of possessing Acharya Degree from Rashtriya Sanskrit Sansthan, Delhi, he sought a direction to be issued to the respondents to treat the degree possessed by him as equivalent to MA Sanskrit and then consider his candidature for appointment as PGT Sanskrit.

Whether degree of Acharya as possessed by the petitioner can be treated as equivalent to MA Sanskrit is an issue which is no longer *res integra*, as this issue was considered in much detail and decided against the petitioner by a judgment rendered by this Court in a bunch of petitions, the lead case in the same being **CWP No.19263 of 2012** titled as **Vikas Sharma vs. State of Haryana and others** decided on 20.01.2014, by holding as under:-

“The qualifications prescribed in the advertisement and the 2012 Rules are identical for appointment to the post of PGT Sanskrit. The same read as follows:-

“M.A. Sanskrit with at least 50% marks and B.Ed. From recognized University.”

There is no equivalence clause mentioned therein and the qualifications are clear and specific i.e.M.A. Sanskrit with at least 50% marks. The Full Bench judgment of this Court in Som Dutt Vs. State of Haryana & another, 1983 (3) SLR 141 wherein it has been held that it is the prerogative of the employer to provide for the qualifications for appointment to the post and it can insist upon the qualifications so prescribed

under the statutory rules. If no equivalence clause has been provided under the Rules and the qualifications are clear and specific, the equivalence or otherwise of the qualification possessed by a candidate cannot be taken into account. Therefore, it cannot be said that the action of the respondents in insisting upon the statutory qualification prescribed in the Rules applicable to the post in question cannot be insisted upon by the respondents. Since, Acharya is not a prescribed qualification under the statutory rules nor is there any equivalence clause, the claim of the petitioners cannot be accepted.

That apart, although the petitioners in cases where they have passed their Acharya from Sampurnanand University, which is a State University and recognized by the UGC, but the qualifications possessed by the petitioners are not the same as has been provided under the statutory rules. Even the recognition/equivalence list of the MDU or the KUK do not, in any of them, recognize or declare it to be equivalent to M.A. Sanskrit except that the Acharya possessed by the petitioners is equal to that of Acharya of the concerned University but that would not entitle the petitioners to be declared as possessing qualifications of M.A. in Sanskrit. There is nothing on the record to suggest that M.A. in Sanskrit of MDU or KUK is accepted as equal to that of Acharya of these very universities, rather the stand of KUK in the reply filed by them is that M.A. in Sanskrit of KUK is not equal to that of Acharya of the same University.

As regards the claim of the petitioners

that this Court in its judgment in Ravinder Kumar's case (supra) has held that Acharya degree is equal to that of M.A. Sanskrit also cannot be accepted in the light of the fact that the statutory rules governing the service i.e. the 2012 Rules have come into existence which is subsequent to the judgment passed by this Court. The ground taken by the respondents in Ravinder Kumar's case (supra) where the petitioner had successfully competed for the post and even selected was that the Acharya degree possessed by the petitioner was not equivalent to M.A. It is not a position in the present case as it is not reflected therein whether the equivalent qualification was permissible or not. Similar was the position in Ramphalit Vyakaran Acharya's case (supra) where again it appears that the equivalent qualification was acceptable and, therefore, the degree of Acharya was treated as equivalent to that of M.A.

Reliance upon the Central Government letter dated 21.11.1990 issued by the Ministry of Personnel, PG & Pensions (Department of Personnel & Training, New Delhi, to contend that the Acharya degree is equivalent to the M.A. degree, cannot be pressed into service to the benefit of the petitioners as it is the right, privilege and prerogative of the employer to accept a particular qualification as equivalent or not. In any case, in the present case, there is no question of treating an equivalent qualification when there is no such discretion provided for under the statutory rules. The qualification under the statutory rules being clear and specific i.e. M.A. Sanskrit with at least 50% marks, the Court cannot import such a

condition/qualification which would make the candidate possessing an equivalent degree eligible for appointment when the statutory rules do not permit so. In any case, the letter dated 21.11.1990 issued by the Department of the Central Government which is not ipso facto applicable. There is no decision of the State of Haryana adopting the said letter”.

The above quoted judgment being by a learned Single Judge was taken up in an intra Court appeal being **LPA No.1121 of 2014** titled as **Satish Kumar vs. State of Haryana and others** which was also dismissed by a Division Bench on 10.09.2014 by holding as under:-

“Learned counsel for the appellant(s) simply seeks to reiterate the submissions that were advanced before the learned Single Judge and were rejected after due consideration. He submits that this court in Ravinder Kumar's case (supra) had held that Acharya degree obtained from Kurukshetra University was equivalent to M.A. in Sanskrit, on the basis of the letter issued by the Government of India on 23.01.1964. Further, Acharya degree in Sanskrit is indeed equal to M.A. in Sanskrit and, therefore, they were eligible to be considered for appointment to the post of PGT(Sanskrit).

In our considered view the argument, that is being advanced, lacks conviction and cannot be imbibed. Concededly, the advertisement and the 2012 Rules clearly postulate, that the requisite qualification for appointment to the post of PGT(Sanskrit) is “M.A.

Sanskrit with at least 50% marks and B.Ed. from recognized University.” And appellants before us, possess a degree in Acharya from Kurukshetra University. Indisputably, the statutory rules do not envisage any equivalence clause. Still further, the recognition/equivalence list issued in April, 2011, by the MDU, Rohtak, nowhere stipulates that Acharya degree of MDU, Rohtak, would be equivalent to M.A.(Sanskrit). Likewise, the list of equivalence of examinations/degrees/ diplomas, corrected upto 2011, issued by the Kurukshetra University reveals that, Acharya degree from Rashtriya Sanskrit Sansthan New Delhi, was/is treated to be equal to Acharya degree of Kurukshetra University. Nothing was brought on record to show that any decision was ever taken by the Kurukshetra University declaring Acharya degree of the said University equal to M.A. (Sanskrit) of the same University. Rather, stand set out by the University was that M.A.(Sanskrit) of Kurukshetra University was not equal to Acharya degree of the same University. The letter dated 23.01.1964 issued by the Government of India and the decision of the Hon'ble Supreme Court in Ramphalit Vyakaran Acharya's case (supra), upon which the claim of the appellants was predicated, would also not advance their cause as subsequently with the promulgation of the 2012 Rules, specific qualifications, without any equivalence clause, were prescribed for appointment to the post of PGT(Sanskrit). Thus, in our considered opinion, the learned Single Judge has rightly concluded that there was no occasion to treat Acharya degree as an equivalent

qualification, since there was no such discretion provided under the statutory rules. Further, it was prerogative of the State to determine as to what qualifications are required to be prescribed for a particular post and the State was well within its domain to insist upon the said qualifications as were so provided under the statutory rules”.

I have gone through the judgments in Vikas Sharma's case(supra) as also in Satish Kumar's case (supra), which have been followed by this Court in **CWP No. 20616 of 2013** titled as **Shiv Kumar and others vs. State of Haryana and others** decided on 01.10.2014, where the same issue as raised in the present petition, has been considered and decided against the petitioner. After going through the above referred judgments, I find that the law laid down through them fully applies to the case of the petitioner against him.

In view of the above, the present petition is dismissed.

(Deepak Sibal)
Judge

22.09.2015
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