

In the High Court for the States of Punjab and Haryana, at
Chandigarh

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LPA No. 739 of 2015

Date of decision: August 18, 2015

Sushil Kumar

..Appellant

Versus

State of Haryana and others

..Respondents

Coram: **Hon'ble Mr.Justice Satish Kumar Mittal**
Hon'ble Mr. Justice Mahavir S. Chauhan

Present: Ms. Alka Chatrath, Advocate
for the appellant.

- 1.Whether to be referred to Reporter? Yes/No
- 2.Whether the judgment should be reported in the
digest ? Yes/No

Mahavir S.Chauhan, J.

This intra court appeal under Clause X of the Letters Patent is directed against order 17.10.2014 whereby the learned Single Judge has dismissed Civil Writ Petition No. 2712 of 2010 which was brought by the appellant to seek quashing of order dated 22.10.2009 (Annexure P19) declaring the appellant ineligible for appointment to the post of Science Master.

Facts emerging from the record, stated in brief, are that the appellant, who possesses qualification of matriculation, Ten plus Two and three years' degree in Bachelor of Science (B.Sc.) with Mathematics, Physics and Chemistry as subjects from

Kurukshetra University, Kurukshetra and a one year degree of Bachelor of Education (B.Ed.), through correspondence/ by way of distance education from Jiwaji University, Gwalior, applied for the post of Science Master pursuant to an advertisement dated 20.7.2006 issued by the Haryana Staff Selection Commission, Panchkula. He was subjected to the process of selection and his name was placed at serial No. 25 of the merit list pertaining to the general category as per the recommendations made by the Haryana Staff Selection Commission. However, he was denied appointment vide order dated 22.10.2009 (Annexure P19), because on verification from Kurukshetra University, it was revealed that degree of B.Ed (Correspondence) of Jiwaji University, Gwalior was not recognized as equivalent to B.Ed degree from a recognized university of Haryana.

To challenge the action of respondents, the appellant preferred Civil Writ Petition No.2712 of 2010, wherein a counter was filed on behalf of the respondents reiterating that the degree possessed by the appellant was found to be not equivalent to the degree of B.Ed. of a recognized university of the State of Haryana and, accordingly, the appellant was declared not entitled to be appointed as a Science Master.

Learned Single Judge, after hearing the parties and on appraisal of the records, came to the conclusion that the claim of the appellant lacked merit and accordingly dismissed the writ petition vide order dated 17.10.2014.

We have heard learned counsel for the appellant.

Learned counsel has very vehemently argued that vide

letter dated 27.11.2013 (Annexure P31), B.Ed. degree of Jiwaji University, Gwalior (M.P.) has been recognized as equivalent to B.Ed. degree through correspondence course of Kurukshetra University, Kurukshetra and that being so claim of the appellant for appointment as Science Master has been wrongly rejected. Reference has also been made to a communication dated 17.1.2009 (Annexure P12) whereby Association of Indian Universities, New Delhi is shown to have stated that B.Ed. degree obtained by the appellant from Jiwaji University, Gwalior through distance education stood recognized.

It is not in dispute that qualification for appointment as Science Master was as under:-

“EQ.= i) B.Sc. with B.Ed. from a recognized University

with any of the two subjects in B.Sc.:

1. Physics. 2. Chemistry. 3 Botony. 4 Zoology

OR

B.Sc. with B.Ed. from a recognized University

with any of the two subjects out of the following:-

1. Physics 2. Chemistry 3 Botony 4 Zoology

ii) Knowledge of Hindi upto Matric Standard.”

It is also not in dispute that the B.Ed. degree held by the appellant was of one year course whereas B.Ed. degree awarded by the Kurukshetra University, Kurukshetra, is of two years' duration. It also comes out from the record that on a reference made to it, Kurukshetra University, Kurukshetra, vide letter dated 21.10.2009 (Annexure R1) informed that B.Ed. (correspondence course) of Jiwaji University, Gwalior, had not

been recognized for the purpose of higher studies. It was on the basis of this information that impugned order (Annexure P19) denying appointment to the appellant was passed.

Though a lot of reliance has been placed on behalf of the appellant on a writing dated 13.1.2009 (Annexure P12) stated to have been issued by Association of Indian Universities, New Delhi and a letter dated 27.11.2013 (Annexure P31) issued by the Kurukshetra University, Kurukshetra, addressed to Jiwaji University, Gwalior, to show that B.Ed. degree of Jiwaji University, Gwalior was recognized as equivalent to B.Ed. degree of any other university, including Kurukshetra University, Kurukshetra. The effort, in our considered opinion, is misdirected. The communication dated 13.1.2009 (Annexure P12) is from Association of Indian Universities, New Delhi, which is not shown to have been accorded statutory sanction by appropriate government, whereas letter dated 27.11.2013 (Annexure P31) can not be of any assistance to the case of the appellant for his appointment as a Science Master in the year 2009. It is no body's case that recognition of the B.Ed. degree, vide Annexure P31 has a retrospective effect.

It also comes out from the record that no candidate having one year degree from distance education out of the State of Haryana has been given appointment in the selection under reference. Thus even ground of discrimination is not available to the appellant.

In view of the above, we do not see any reason to interfere with the well reasoned order passed by the learned

Single Judge.

As a result, the appeal fails and is dismissed.

(SATISH KUMAR MITTAL)
JUDGE

(MAHAVIR S.CHAUHAN)
JUDGE

August 18,2015
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