

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

**CWP No.13298 of 2016**

Date of Decision: 12.07.2016

Prabhdeep Singh Jassi

....Petitioner

Versus

State of Punjab and another

....Respondents

***BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY***

Present:- Mr. R.K. Arora, Advocate  
for the petitioner.

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**DAYA CHAUDHARY, J.**

The prayer in the present petition is for issuance of a direction to the respondents to appoint the petitioner on the post of Vocational Master (Electronics) as per his merit in the category of Scheduled Caste (R&O).

The grievance of the petitioner is that his candidature has not been considered on the wrong premises that he is not possessing three years' experience, whereas, he is possessing B.Tech degree and for that, no such experience is required.

Briefly, the facts of the case are that the School Education Department of the Government of Punjab issued a public notice on 23.09.2009, which was published in 'Daily Ajit' for recruitment of 7654 posts in the teaching/non-teaching Cadre on contract basis. Out of total advertised posts, 2106 posts were meant for Vocational Master/Mistress including 78 posts for Vocational Master/Mistress (Electronics). The petitioner belonged to Scheduled Caste (R&O) category and was

possessing the qualification of B.Tech and M.Sc. He applied for the post of Vocational Master (Electronics) and his application form was accepted. Subsequently, the merit list was prepared and in the merit list, the petitioner secured 55.2462 and was at rank No.11 in the Scheduled Caste (R&O) category. After declaration of provisional combined merit result, the department issued a public notice for counseling of the candidates for scrutiny/verification of the certificates/documents on 08.12.2010. The petitioner appeared in the counseling and on the basis of counseling, final result was declared in May, 2011, wherein, the petitioner was shown as 'Not Eligible'. Subsequently, he made number of requests and even submitted various representations to the authorities for assigning him the reason. Thereafter, he came to know that he was found ineligible on the ground that he was not possessing the qualification of Diploma Course with three years experience. Even in the second counseling, the claim of the petitioner was not considered and he again made a representation, mentioning therein that the candidates lower in merit have been considered.

Ultimately, when the case of the petitioner was rejected then the present petition has been filed by raising various grounds.

Learned counsel for the petitioner submits that the action of the respondents in declaring candidature of the petitioner as ineligible on the ground that he is not possessing three years experience along with qualification of B.Tech., is illegal, arbitrary, *mala fide* and unconstitutional as well. Learned counsel also submits that the basic qualification required for the post of Vocational Master was three years diploma, which is being done after matriculation. The total study period of such a candidate is three years after matriculation and accordingly, three years experience was prescribed under the advertisement. Once the candidate has possessed

four years degree of B.Tech after 10+2, his/her study period is six years after matriculation and as such, these qualifications cannot be equated. At the end, learned counsel for the petitioner submits that the candidates, who were having four years degree qualification, are equivalent to the candidates, who were having three years diploma with three years experience. Learned counsel also submits that a number of posts of vocational masters remained unfilled and the petitioner can be considered for the aforesaid post.

Heard the arguments of learned counsel for the petitioner and have also perused the impugned order as well as other documents available on the file.

Admittedly, 2106 posts were advertised of Vocational Master/Mistress and out of said posts, 78 posts were meant for Vocational Master/Mistress (Electronics). The following qualifications were prescribed in the advertisement for the said post.

***“Vocational Master – Electronics***

*Qualification – Three years diploma in the concerned trade of Engineering from State Board of Technical Education with three years teaching or practical experience from any Govt. or Govt. Aided institution or from any reputed institution which should be countersigned by the competent authority.”*

The petitioner was possessing qualification of B.Tech and M.Sc. and he applied for the post of Vocational Master (Electronics). He was also called for counseling but ultimately, his case not considered. The action of the respondents has been challenged on the ground that the candidature of the petitioner has wrongly been rejected as he was having higher qualification and experience, which was not required for the said post.

On perusal of advertisement, it appears that the requisite qualification is three years diploma in the concerned trade of engineering from State Board of Technical Education with three years teaching or practical experience from any Govt. or Govt. Aided institution or any reputed institution. The petitioner was not having experience but he is claiming appointment to the post on the basis of higher qualification by stating that in case of higher qualification, the experience of three years is not relevant. Admittedly, a specific qualification and experience has been mentioned in the advertisement and in case of deviation from said criteria, the candidate cannot be considered for appointment as the experience is also a part of requisite qualification. The experience is the requirement for the practical aspect of nature of duties, which has been mentioned in the advertisement. Nowhere, it has been mentioned in the advertisement that in case of higher qualification, there is no requirement of experience. It is only the interpretation of the petitioner himself that in case of higher qualification, the experience is not required.

In judgment of this Court in ***Sudesh Kumar vs Haryana Staff Selection Commission, Panchkula, CWP No.7949 of 2010***, decided on **04.05.2011**, the petitioner was not having requisite qualification of five years in Motor Road Transport Government or semi Government Department or Public Undertaking. His case was rejected and finding no infirmity in the action of the respondents, the petition filed by the petitioner was also dismissed.

Similarly, in judgment of Division Bench of Allahabad High Court in case ***Km. Tasneem Fatima vs State of U.P. Through its Secy. Deptt. of Edu. Lko. and others*** 2014(11) ADJ 428, it was held that in case a person lacks requisite qualification on the date of selection and appointment, his appointment would be void. The petition filed by the

petitioner was dismissed.

In said judgment, the judgments of Hon'ble the Apex Court in cases ***Mohd. Sartaj and another vs State of U.P and others, 2006(2) SCC 315*** and ***Pramod Kumar vs. U.P. Secondary Education Services Commission and others, AIR 2008 SC 1817*** were also relied upon. The ratio of said decisions clearly show that in case, a person lacks requisite qualification on the date of selection, no benefit can be derived.

In another judgment of Jharkhand High Court in case ***Prashant Verma vs State of Jharkhand and others 2014(2) J.C.R. 219***, the petitioner was not possessing experience of five years in administrative capacity besides 20 years of work experience and impugned order passed against the petitioner was not interfered and the petition was dismissed by observing that the Court can not interfere in the matter as in case of interference, it would perpetuate the illegality.

In view of facts and discussion as mentioned above, there is no merit in the contentions raised by learned counsel for the petitioner and as such, the petition, being devoid of any merit, is hereby dismissed.

12.07.2016  
**gurpreet**

(DAYA CHAUDHARY)  
JUDGE