

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

CWP No.19999 of 2015 (O&M)

Date of Decision : 04.11.2016

Balinder Singh and others

..... Petitioners

versus

State of Haryana and others

..... Respondents

CWP No.18938 of 2016

Anil Kumar and others

..... Petitioners

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Jasbir Mor, Advocate and
Mr. R.S. Mamli, Advocate
for the applicants-petitioners.

Mr. Indresh Goel, Additional Advocate General, Haryana.

Mr. Tarun Vir Lehal, Advocate
for respondent No.5.

Mr. K.K. Gupta, Advocate
for respondent No.6.

Anupinder Singh Grewal (Oral)

CM No.13933 of 2016

25.03.2016 issued by the respondents-Government of Haryana.

Application is allowed.

The afore-noted letter is taken on record as Annexure P-28.

Main case

This order shall dispose of CWP Nos.19999 of 2015 and 18938 of 2016 as common questions of law and facts are involved in these petitions. For the sake of convenience, the facts are being taken from CWP No.19999 of 2015.

The petitioners have sought direction to the respondents to consider them eligible for the post of Post Graduate Teacher (for short 'PGT') Computer Science. The petitioners had applied for the post of PGT Computer Science in pursuance to the advertisement issued by the respondents on 05.07.2015.

The essential qualification prescribed for the post of PGT Computer Science in the advertisement is reproduced hereunder:

“M.Sc. Computer Science (Regular two years course) /MCA (Regular three year course) / B.E./B. Tech. Computer Science/ Computer Engg./ IT (Regular Course) with 55% aggregate marks from a recognized university.”

The petitioners are stated to have the qualification of M.Sc. Computer Science and Master of Computer Applications (for short 'MCA'). The candidature of the petitioners is not being considered by the respondents as they have not obtained the MCA degree through regular three years course and the degree of MCA has been obtained through distant learning. The issue regarding eligibility of candidates on the basis of the qualification of MCA obtained through distant learning had come up before the Division

Haryana and others passed in CWP No.19126 of 2015 dated 01.10.2015. It was held by the Division Bench that laying down qualification of MCA or M. Sc. Computer Science through regular mode cannot be held to be unreasonable or arbitrary as a candidate who has not acquired practical knowledge while pursuing the course through distant learning cannot be treated at par with a candidate who has attended classes through regular mode.

At this juncture, learned counsel for the petitioners contends that the petitioners have also acquired the qualification of M. Tech in Computer Science as regular students which is higher than the qualification of B. Tech (Computer Science) as prescribed in the advertisement.

Learned counsel for respondents No.1 to 3, however, states that the qualification of M. Tech in Computer Science cannot be said to be in the same line as the qualification of B. Tech Computer Science (Regular Post) which is prescribed in the advertisement.

Indisputedly, a candidate who has acquired higher qualification in the same line as prescribed in the advertisement for a particular post would be eligible. The Government of Haryana has also issued instructions on 25.03.2016 wherein it is stipulated that if a candidate possesses higher qualification in the same line as the minimum qualification for a particular post then he should be considered eligible for that post.

Learned counsel for the parties are ad idem that the expert body for going into the equivalence of qualifications is the All India Council for Technical Education (AICTE) (respondent No.6).

Learned counsel for respondent No.6 states that All India

Committee comprising experts from AICTE, UGC and DEC to examine the issue of equivalence of qualifications as well as to whether the higher qualification is in the same line as the basic qualification.

In the facts and circumstances of the case, I deem it appropriate to dispose of these petitions by referring the question of the petitioners' eligibility on the basis of qualification of M. Tect in Computer Science through the regular mode to the Committee of Experts set up by the All India Council for Technical Education. The Committee shall examine as to whether the qualification of M. Tech Computer Science acquired by the petitioners through regular mode is in the same line as the afore-noted minimum qualification prescribed for the post of PGT Computer Science and submit its report to respondent No.3 within a period of one month from the date of receipt of certified copy of this order. In case the qualification of the petitioners is found to be in the same line as prescribed in the advertisement, the candidature of the petitioners would be considered by respondent No.3 for appointment to the post of PGT Computer Science in accordance with law.

The process of selection shall not be finalized till the submission of the report by the Committee of Experts.

The petitions stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

November 04, 2016
jt

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No