

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

CWP No.24854 of 2014 (O&M)

Date of decision : 03.08.2016

Purshotam

....Petitioner

Vs.

State of Haryana & others

....Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. S.K. Yadav, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

CM No.8845 of 2016:

In view of the averments made in the application duly supported by an affidavit the main writ petition which had been adjourned sine die vide order dated 18.03.2015 is taken up for preliminary hearing on Board today itself.

Application is disposed of.

Main case:

The State of Haryana, Department of Health towards filling up certain posts issued advertisement through the Haryana Staff Selection Commission dated 06.05.2007 advertising various posts including 102 posts of Computer/Statistical Clerks. 46 posts fell to the share of general category.

The essential qualifications prescribed for the post in the advertisement were as follows:

- “iv) *Matric First Division/Higher Secondary Second Division or its equivalent/Graduate.*
- v) *One year Diploma in Computer Application from a recognized University/Institution.*
- vi) *Hindi upto Matric Standard.”*

Petitioner who claims to be belonging to the general category applied for the post of Computer/Statistical Clerk.

The instant petition is directed against the order dated 22.04.2013 (Annexure P-21) passed by the Director General, Health Services Haryana whereby his claim for appointment to the post of Computer/Statistical Clerk has been rejected on the ground that his qualification i.e. Advance Diploma and Software Technology is not from a recognized institution.

The entire case set up on behalf of the petitioner is in terms of placing reliance upon a communication dated 14.07.2011 at Annexure P-8 from the office of the Director General, Health Services, Haryana and addressed to the Advocate General, Haryana. Perusal of the same reveals that CWP No.12441 of 2009 had been filed in this Court by certain candidates who had also been denied appointments in the same very selection process and a clarification with regard to the recognition of the qualification i.e. Diploma in Computer Application had been issued. Counsel relies on Sr.No.6 contained in such communication dated 14.07.2011 as per which the Director General, Health Services, Haryana had opined that any institution registered with Central or State Government would be considered as recognized or equivalent so far as Diploma in Computer Application is concerned. Counsel has also referred to the documents placed on record at Annexures P-9 to P-11 to submit that a verification process as regards the Diploma that the petitioner had acquired from the Center for Computer Training and Research, New Delhi had been undertaken by the Director General, Health Services, Haryana and the necessary clarification had been issued by the institute that the Center for

Computer Training and Research is being run and recognized by DCVS (Delhi Competitive and Vocational Training Center) and which is registered with the Registrar of Societies, Government of NCT, Delhi.

The precise submission raised by counsel is that in the light of such clarification, the case of the petitioner would squarely fall within the clarificatory information supplied by the Director General, Health Services, Haryana and communicated to the Advocate General, Haryana in the light of communication dated 14.07.2011 at Annexure P-8.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the present petition is completely bereft of merit and deserves dismissal.

Recruitment and appointment to the post of Computer/ Statistical Clerk would be necessarily governed by the stipulations contained in the advertisement and in response to which the petitioner had applied. As regards the qualification, the specific stipulation was for a candidate to possess one year Diploma in Computer Application from a recognized University/institution.

Such stipulation cannot be permitted to be diluted by any subsequent clarification that may have been issued by the Director General, Health Services, Haryana and as contained in the communication dated 14.07.2011 at Annexure P-8. The petitioner claims to have qualified an Advance Diploma in Software Technology from the Center for Computer Training and Research, Delhi. No material or document has been placed on record or referred to during the course of hearing wherefrom a conclusion can be drawn that such qualification is recognized.

On a previous date of hearing i.e. on 04.12.2014, the matter had

been adjourned on request made by counsel to place on record the relevant documents showing that the institution from where the petitioner has acquired Advance Diploma in Software Technology was recognized. Concededly, till date, no such document has been placed on record.

Even assuming that the clarification issued by the Director General, Health Services, Haryana in the communication dated 14.07.2011 at Annexure P-8 would hold the field, still the petitioner has no case. In the impugned order dated 22.04.2013 at Annexure P-21 rejecting the claim of the petitioner, it has been observed that the Center for Computer Training and Research, Delhi from where the petitioner has acquired Diploma qualification is not a registered institution rather such institution was stated to be affiliated/related to another registered society i.e. Delhi Competitive and Vocational Society, Delhi. Accordingly, rejection of the claim of the petitioner seeking appointment to the post of Computer/ Statistical Clerk is in conformity even with the clarification dated 14.07.2011 issued by the Director General, Health Services, Haryana at Annexure P-8.

This Court in the facts and circumstances is constrained to make certain observations with regard to the clarification dated 14.07.2011 at Annexure P-8. Mere registration of an institute with Central or State Government would not be enough. Petitioner is making an attempt for this Court to accept a contention that merely because the institute from where he had acquired the Diploma is a society and stands registered with the Registrar of Societies, NCT, Delhi, therefore, even the Diploma given by such society would automatically stand recognized. Such a contention is preposterous. Registration of a society with the Registrar of Co-operative Society concerned, cannot lend automatic credence to the qualification/

Diploma issued by such society.

There is yet another aspect of the matter which has weighed with this Court to dismiss the petition.

The process of recruitment was initiated in the year 2007. There were total 46 posts of Computer/Statistical Clerks that had to be filled up from general category candidates. Petitioner had applied against the general category. Selection process has already been finalized and appointments to such 46 posts have already been made. Not even a single candidate selected and appointed to the post in question against such 46 posts has been impleaded as party respondent.

In view of the reasons recorded above, this Court does not find any infirmity in the impugned order dated 22.04.2013 at Annexure P-21 rejecting the candidature of the petitioner for the post of Computer/Statistical Clerk.

Petition is dismissed.

03.08.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |