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

Civil Writ Petition No.14426 of 2016

Date of decision: 15.11.2017

Sudesh Kumari

...Petitioner

Versus

Haryana School Shiksha Pariyojna Parishad and another

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. R.K.Malik, Senior Advocate with
Mr. Bhupinder Singh, Advocate for the petitioner.

Mr. Vikas Chatrath, Advocate for respondent no.1.

Mr. Nagar Singh, Advocate for
Mr. A.S.Virk, Advocate for respondent no.2.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of action of the respondent to deny the appointment to the petitioner as Block Resource Person (Mathematics) (BRP Mathematics) on contractual basis and to consider the claim for appointment as BRP Mathematics from the date the candidates lower in merit have been appointed.

The petitioner who is BC-B category candidate had applied against 10 reserved posts for the said category for which essential qualification as per advertisement dated 22.2.2014 (Annexure P/1) is as under:-

“Cat. No.2 : BRP-Mathematics

Essential Qualification : M.A./M.Sc. Mathematics/Applied

Mathematics with atleast 55% marks
from recognized University.

Desirable: : Ph.D.”

She was found duly eligible but only on account of the fact that certificate of Master of Science (Annexure P/2) which has been issued by the Banasthali University wherein nomenclature was mentioned as Mathematical Science (Pure Mathematics) and having passed in the First Division, she has been denied the appointment. Resultantly, the writ petition has been filed.

It is not disputed that only three candidates were available against the above said advertised posts and two have been appointed and respondents have 8 vacancies.

The defence of the respondent no.1 is that Pure Mathematics was not mentioned in the advertisement and therefore, she was found ineligible and there was no equivalent qualification and therefore, in view of the settled principle that advertisement was sacrosanct, there cannot be any deviation.

Counsel for the petitioner has relied upon letters dated 18.3.1975 (Annexure P/5) and 2.11.1999 (Annexure P/6) issued by the State wherein the degrees and diplomas etc. which are issued by the recognized universities and high/higher Secondary Board established by the State will also be recognized ipso facto. The relevant clause reads as under:-

“The degrees and diplomas etc. which are issued by the recognized universities and high/higher Secondary Board

established by the State will also be recognized ipso facto.”

It has further been mentioned in the subsequent letter dated 2.11.1999 (Annexure P/6) that the degrees/diplomas/certificates examination recognized by the various Universities and Boards in the State of Haryana would also stand recognized for admission and recruitment purposes. The relevant clause reads as under:-

“That the degrees/diploma/certificates examinations recognized by the Kurukshetra University, Kurukshetra, Maharshi Dayanand University, Rohtak, Guru Jambheshwar University, Hisar, Haryana Agricultural University, Hisar, N.D.R.I., Karnal, Board of School Education Haryana, Bhiwani, State Board of Technical Education Haryana would stand recognized in the State of Haryana for admission and recruitment purposes.”

A perusal of the equivalent universities recognised by Kurukshetra University, Kurukshetra (Annexure P/7) would go on to show that at Serial No. 21 M.Sc.(Mathematical Science) from Banasthali University, Rajasthan is recognized degree. Admittedly, the petitioner has Master of Science (Mathematical Science) degree and only additional nomenclature is mentioned as “Pure Mathematics”. The certificate as such has been verified by the Banasthali University, Rajasthan. The said University vide letter dated 30.5.2016 (Annexure P/9) has further clarified that the eligibility criterion for admission to M.Sc. Mathematical Science- Pure Mathematics & M.A./M.Sc. Mathematics/Applied Mathematics is the same though the scheme of examination and course content would be slightly different. It has further been clarified that both the programmes are equivalent to each other in view of the postgraduate standard.

This Court had also directed that Kurukshetra University as such to file affidavit regarding equivalence of the said degree. The Registrar of the Kurukshetra University, Kurukshetra has filed his affidavit dated 19.4.2017 in compliance of the said order. The University has also certified that degree in question as such is equivalent. Necessary portion of the affidavit reads as under:-

“4. That as far Banasthali Vidyapeeth, Banasthali (Rajasthan) is concerned, the Equivalence Committee of the answering respondent University has declared the degree of M.Sc. (Mathematical Science) being awarded by Banasthali Vidyapeeth, Banasthali (Rajasthan) as equivalent to Degree of M.A/M.Sc. (Mathematics) being awarded by the Kurukshetra University, Kurukshetra.”

Keeping in view the above, this Court is of the opinion that once the University as such is recognized and as per instructions itself the degrees/diplomas issued by the recognized University are to be taken into consideration for the purpose of admission and recruitment, the stand of the respondent no.1 is not justified to submit that the degree is not equivalent or it is in contrast to the advertisement.

The argument of Mr.Vikas Chatrath that matter should be referred to the Equivalence Committee as such is without any justification. The argument as such raised by Mr. Chatrath on the basis of the Division Bench judgment in **Kuldeep Vs. State of Haryana and others 2017 (3) S.C.T. 337** supported the stand which has been propagated by Mr. Malik since the University has also supported the case of the petitioner in view of the interim order passed and given its opinion as such in favour of the

petitioner.

Accordingly, the present writ petition is allowed. Respondent no.1 is directed to issue appointment letter to the petitioner within a period of one month from the date of receipt of certified copy of this order.

Needless to say that the petitioner shall be given all notional benefits including seniority from the date of juniors who have been appointed without giving any benefit of pay.

November 15, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No