

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 13402 of 2017
Date of decision: 16.08.2017

Ranbir Sharma

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. N.R. Dahia, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner has approached this Court again after detailed order was passed in CWP No. 25095 of 2013, Ramchander and others vs. State of Haryana and others in which he was petitioner no. 3. Orders dated 13.08.2012 (Annexure P-7) and 10.09.2013 (Annexure P-9) herein were subject matter of challenge also in the said writ petition wherein, he had prayed for seeking recognition of his technical qualifications of his diplomas and degrees from Indira Gandhi National Open University (in short 'IGNOU'). A writ of mandamus also had been sought to treat the said qualifications as equivalent to any other Central/State universities and to promote the petitioners to the post of Junior Engineer. The writ petition was dismissed on 28.11.2013 (Annexure P-26) by holding as under:-

“4.....Petitioners No.1 to 4 do not possess the required qualifications laid down in the rules nor is there presence of an order giving equivalence to awards conferred by IGNOU. On the other hand, the issue of equivalence has been determined by the

Equivalence Committee set up for the purpose in Haryana where a decision has been taken that under graduate and post graduate degree and diploma programmes in Engineering and Technology earned through distance education mode are not valid for initial appointment and promotions in Haryana. Government remains the best judge of its requirements for Junior Engineers (C) to work under the State. IGNOU delivers education through long distance mode. The petitioners cannot be held to be qualified to hold the post of Junior Engineers (Civil).

5. For the foregoing reasons, the petition is dismissed.”

LPA No. 103 of 2014, Ramchander and others vs. State of Haryana and others was preferred against the said order, which was dismissed as withdrawn on 07.09.2015 with liberty to file detailed individual representation to the department (Annexure P-12). The order reads as under:-

“Learned counsel for the appellants on instructions states that let the appellants be permitted to withdrawn this appeal with liberty to file a detailed individual representation to the Department showing their seniority list, eligibility for promotion on the higher posts.

Dismissed as withdrawn with the aforesaid liberty.”

Resultantly, the State has passed order dated 08.12.2015 (Annexure P-14) rejecting his representation by noting as under:-

“In view of above, Diploma through Distance Education Mode from Indira Gandhi National Open University (IGNOU), New Delhi submitted by Sh. Ranbir Sharma, MCC is not valid as per above cited

instructions. Further, he does not possess the experience of 06 years of Work Inspector or Surveyor. The post of MCC also does not fall in line of promotion for the post of Work Inspector, Surveyor or Junior Engineer.

I have been directed to request you that the applicant may be informed accordingly.”

Once the petitioner has already been unsuccessful in an earlier round of litigation, he cannot be permitted to raise the dispute again which has already been decided against him. He, on his own, chose not to contest the appeal on merits with liberty to approach the respondents. The order passed by the Single Judge on merits as such still holds and, therefore, a second round of litigation on the same cause of action is not permissible on the principle of “*Res Judicata*”.

Accordingly, the writ petition is dismissed in limine.

16.08.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No