

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

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CWP No.16789 of 2017 (O&M)

Date of Decision: July 31, 2017

Deepika Goyal

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Mukesh Yadav, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

The Punjab State Co-operative Supply Marketing Federation Limited (MARKFED), issued advertisement in the year 2016, inviting online applications for recruitment to various posts including 68 posts of Assistant Accountants. 26 posts fell to the share of the General Category. The last date for submission of online application forms was 30.05.2016.

The qualifications for the post of Assistant Accountant were prescribed in the advertisement and as follows:-

“Qualification

- a) *B.Com. (Ist Division) with one year Post Graduate Diploma in Computer Applications (Excel, Data Management and MS-Office) recognized by Board of Technical Education Punjab or any recognized university.*
- b) *i. Should have passed Matriculation standard examination of Punjabi as one of the compulsory or elective subjects from a recognized Board of institution or any other equivalent examination in Punjabi*

language which may be specified by the Government from time to time.”

Petitioner belongs to the General Category and submitted her application for the post of Assistant Accountant.

Grievance raised in the instant petition is that having participated in the second counselling conducted by the respondent-Federation of the General Category, she has been held to be “not eligible” vide notice dated 24.05.2017 at Annexure P-7.

Even though, the basis for holding the petitioner as “not eligible” is not forthcoming from the notice at Annexure P-7, yet learned counsel representing the petitioner has proceeded to address submissions on the premise that the petitioner has been declared “not eligible” in the light of her qualifications possessed. In this regard, counsel submits that the petitioner has done B.Com in first division from Punjabi University, Patiala and one year Post Graduate Diploma in Computer Applications from the Vinayaka Missions University, Salem, Tamilnadu, through the mode of distance education. It is argued that on account of acquiring of such one year diploma through the mode of distance education that has stood in the way of the petitioner while denying consideration for appointment to the post in question. Counsel would vehemently contend that in the advertisement, the stipulation was for possessing one year Post Graduate Diploma in Computer Applications recognized by the Board of Technical Education, Punjab or any recognized university. It is also argued that as per documents placed on record at Annexure P-

6, issued by ICALL, which is a non-profit society with The Registrar of Societies Punjab, such society is the University Study Centre of Vinayaka Missions University which in turn is recognized by the Ministry of Human Resource Development, Government of India and UGC, DEC. Reliance has also been placed upon a communication dated 25.04.2017, issued by the Vinayaka Missions University to Markfed, Chandigarh, wherein a clarification has been issued that the approval of distance education stands extended in favour of the university upto the year 2014 by the Joint Committee (UGC-AICTE-DEC) vide letter dated 20.04.2011. On the strength of such communication/clarification, it is submitted that the petitioner had acquired the diploma in question in the academic session 2012-13 itself and in relation to a point of time when approval to the university has been duly accorded.

Having heard counsel for the petitioner at length, this Court is of the considered view that no basis for interference is made out.

The prescribing of essential qualifications in relation to a particular post is within the prerogative of the employer. Such qualifications would be laid down against the backdrop of the job requirement/duties and responsibilities. Apparently, as per counsel, the petitioner has been held to be in-eligible on the basis that the one year Post Graduate Diploma that she possesses in Computer Application is through the mode of distance education. It is for the experts in the matter/Recruitment Agency to determine as to

whether candidates who possess qualifications thorough the mode of distance education are to be considered eligible or otherwise.

Even the notice dated 24.05.2017 (Annexure P-7) reflects the decision to hold the petitioner as “not eligible” is as per recommendations of a departmental committee constituted by the respondent-Federation.

Counsel for the petitioner, during the course of hearing, was put a specific query as to whether any other candidate who acquired qualifications thorough the mode of distance education, has been selected and recommended for appointment to the post. Response of the counsel, has been in the negative. Clearly a decision has been taken across the board not to consider the qualifications acquired through the mode of distance education to reckon eligibility for the post in question.

Petitioner is not even attributing any malafides insofar as the decision declaring her to be ineligible.

No infirmity as such is found in the decision of the departmental committee of the respondent-Federation, as per notice dated 24.05.2017 (Annexure P-7) declaring the petitioner “not eligible” for the post in question.

Petition is dismissed.

31.07.2017
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(TEJINDER SINGH DHINDSA)
JUDGE

***Whether speaking/reasoned* : Yes/No**
***Whether reportable* : Yes/No**