

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

Civil Writ Petition No.598 of 2014

Date of decision: 20.09.2017

Sukhdarshan

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. R.K.Malik, Senior Advocate with
Mrs.Rimple Kadyan, Advocate for the petitioner.

Ms. Shruti Jain Goyal, Assistant Advocate General, Haryana

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks a writ in the nature of Certiorari under Article 226 of the Constitution of India to quash the action of respondent no.3 not to recommend the name of the petitioner for the post of PGT Chemistry against the 144 vacant posts meant for SC category due to non availability of the candidates.

The respondents in their reply held out that the essential qualification for the post of PGT Chemistry was not available with the petitioner who possesses the qualification of M.Sc. Physical Chemistry from the University of Lucknow in the year 2004 which was just one branch of Chemistry. The other branch being Organic Chemistry and Inorganic Chemistry and therefore, requisite essential qualification of M.Sc. Chemistry or Bio-Chemistry with at least 50% marks as prescribed were not there as per advertisement.

On 4.5.2017, it was noticed as under:-

“Learned AAG Haryana states that the issue of equivalence claimed in this writ petition has been

referred by the government to an expert committee and seeks one more opportunity to enable that committee to give its report and the government to consider the same.

Adjourned to 7.7.2017.”

In pursuance of the same, counsel for the State has placed on record communication dated 13.9.2017 whereby opinion has been given that the qualification possessed by the petitioner is equivalent to M.Sc. Chemistry of Kurukshetra University with physical specialization which reads as under:

**“1. Dr. Sanjiv Arora, Prof. and Chairman,
Chemistry Department, Kurukshetra University,
Kurukshetra.**

The matter was discussed in detail. The DMCs of M.Sc. Physical Chemistry of Lucknow University were examined. The course curriculum of Lucknow University was also considered. I am of the view that M.Sc. Physical Chemistry of Lucknow University is equivalent to M.Sc. Chemistry of Kurukshetra University with Physical specialization, as most of the courses studied by the candidate in M.Sc. Physical Chemistry of Lucknow University are same as that of M. Sc. Chemistry of KUK.”

Keeping in view of the above once the petitioner's qualifications do not suffer from any deficiency, he would be deemed to be eligible for consideration for the post of PGT Chemistry. Accordingly, respondents shall consider the petitioner and other similarly situated candidates for the post of PGT Chemistry against 144 vacant posts if they fulfill all other criteria and also come in the zone of consideration as per their merit. In case positive consideration is to be given to the petitioner and other similarly situated candidates all notional benefits be given to

them except financial benefits on the basis of no work no pay on account of delay which has occurred. The said exercise shall be completed within three months from the date of receipt of certified copy of this order.

Accordingly, the present writ petition is disposed off.

September 20, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No