

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.2704 of 2017(O&M)
Date of Decision: 22.11.2017

Narinderpal Singh

--Petitioner

Versus

Director General of Police & another

--Respondents

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

Present:- Mr. Sardavinder Goyal, Advocate for the petitioner.

Ms. Monica Chhibber Sharma, Sr. D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

Petitioner has filed the instant petition aggrieved of the action of the respondent-Punjab Police in having denied to him appointment to the post of Intelligence Assistant (in the rank of constable).

Facts of the case are in a narrow compass.

A State Level Direct Recruitment Board functioning under the aegis of Punjab Police issued advertisement dated 1.9.2016 inviting applications for recruitment to 725 posts of Intelligence Assistant (in the rank of constable). The essential eligibility conditions for the prospective candidates as regards age, educational qualifications, physical standards etc. were stipulated in the advertisement itself. The selection process as indicated in the advertisement comprised of three stages i.e. Phase-I-Physical Measurements, Phase-II-Physical Efficiency Test (P.E.T) and Phase-III-Written Test. Only such candidates, who possessed the requisite physical measurements and who qualified the Physical Efficiency Test were eligible to appear in the Written Test. The final merit list was to be drawn on the basis of total marks obtained in the Written Test. The final result and

issuance of appointment letters was upon conduct of a counselling/verification process, whereby the certificates etc. relied upon by the candidate in question in support of his qualifications were to be examined.

Petitioner belongs to the General Category and claiming himself to be eligible in terms of the qualifications prescribed and physical parameters laid down, applied for the post in question.

The entire case set up on behalf of the petitioner is that having been found eligible as per physical measurements prescribed, having cleared the Physical Efficiency Test and thereafter inspite of having secured 78 marks in the Written Test, he has been denied appointment to the post, even though, the last selected candidate against the General Category has secured a lower merit position i.e. 68 marks.

Per contra, State action in declining appointment to the petitioner is justified on the basis that the petitioner does not possess the requisite and essential educational qualification.

Counsel for the parties have been heard at length.

The short issue involved in the writ petition is with regard to eligibility of the petitioner to hold the post of Intelligence Assistant (in the rank of constable).

Clause 5 (C) of the advertisement laid down the educational qualifications for the post in question and the same reads in the following terms:-

“C. EDUCATIONAL QUALIFICATIONS:

The minimum educational qualification for direct recruitment as Intelligence Assistants (in rank of Constables) shall be as defined in Appendix 'B' (Sr. No.04) of Punjab

Intelligence Cadre (Group C) Service Rules, 2015 as amended by the Punjab Intelligence Cadre (Group C) Service (First Amendment) Rules, 2016:

(a) Should be a graduate from a recognized university or institution, as the case may be, provided that such candidate should also possess an 'O' Level Certificate of Information Technology from Department for Electronics Accreditation of Computer Course (DOEACC) or National Institute of Electronics and Information Technology (NIELIT) or its equivalent institution recognized by the Government of India or any State Government.

OR

(b) B.Sc/B.Tech/BE in Information Technology or Computer Science or Information Systems or B.C.A or Post Graduate Diploma in Computer Applications from a recognized university or institution, as the case may be.”

It is the pleaded case of the petitioner himself that he possessed an 'O' Level Certificate from I.V.A Computer Education, I.V.A Associates, A-1, Chandra House Commercial Complex, 1st floor, near Batra Cinema, Dr. Mukherjee Nagar, Delhi.

The requirement as per advertisement was to possess an 'O' Level Certificate of Information Technology from the Department of Electronics Accreditation of Computer Course (DOEACC) or National Institute of Electronics and Information Technology (NIELIT) or **its equivalent institution recognized by the Govt. of India or any State Govt.**

Counsel has conceded during the course of arguments that the educational qualifications prescribed in the advertisement and as reproduced herein above were *paramateria* to the one prescribed under the statutory rules governing the service conditions for the post in question.

Counsel appearing for the petitioner has advanced submissions to impress upon this Court that the qualification possessed by the petitioner i.e. the 'O' Level Certificate is an equivalent qualification to the one prescribed under the advertisement.

In the considered view of this Court the submission advanced by counsel does not address the real issue as regards eligibility.

The clause pertaining to educational qualification in the advertisement was couched in clear and unambiguous terms. This Court while examining the eligibility of the petitioner would construe the clause pertaining to educational qualifications in a strict manner and there would be no scope for deviation therefrom. Requirement was for possessing an 'O' Level Certificate of Information Technology from the Department of Electronics Accreditation of Computer Course (DOEACC) or National Institute of Electronics and Information Technology (NIELIT) or its equivalent institution recognized by the Govt. of India or any State Govt.

In spite of a specific query having been raised counsel has been unable to advert to any document placed on record wherefrom this Court may conclude that the institution from where the petitioner has acquired the 'O' Level Certificate is an **“equivalent institution”** to Department of Electronics Accreditation of Computer Course (DOEACC) or National Institute of Electronics and Information Technology (NIELIT).

Under such circumstances, no infirmity is found in the action of the respondent-Police Department in having considered the petitioner as ineligible for the post in question.

There is no merit in the petition and the same is, accordingly, dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

22.11.2017

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No