

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1014 of 2015 (O&M)

Date of Decision: 09.03.2017

Manju Rani

... Appellant

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mr. Ajay Shekhawat, Advocate for the appellant

Mr. Ravi Dutt Sharma, DAG Haryana

Mr. Shailendra Singh, Advocate for respondent No.3

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal is directed against the order dated 27.05.2015 whereby learned Single Judge has dismissed the appellant's writ petition in which she sought a direction to treat her eligible for the post of PGT (Biology).

(2) The appellant did her M.Sc. Degree from the Department of Zoology & Aquaculture with specialization in Fisheries from Chaudhary Charan Singh Haryana Agricultural University, Hisar. She applied for the post of PGT (Biology) in response to Advertisement No.1 of 2012 dated 07.06.2012 published by the Haryana School Teachers Selection Board. The appellant was a candidate in the reserved category of Scheduled Caste. Since the appellant was not called for interview on the premise that she was ineligible for the post of PGT (Biology) for want of relevant qualification, she filed the writ petition wherein this Court directed that she be interviewed provisionally. Her writ petition has been eventually dismissed by the learned Single Judge.

(3) When this Letters Patent Appeal came up for preliminary hearing on 13.07.2015, this Court passed the following order:-

“...In the event of any doubt on the eligibility of the appellant for the post of PGT (Biology), we direct the State of Haryana to constitute a team of three Experts preferably Head of the Department of Zoology from (i) Chaudhary Charan Singh Haryana Agricultural University, Hisar; (ii) Kurukshetra University, Kurukshetra, and (iii) Maharishi Dayanand University, Rohtak.

On consideration of contents, syllabus or curriculum and duration of the course, they shall give their opinion on such question.”

(4) In deference to the above-reproduced order, the State Government constituted an Expert Committee comprising (i). Sh. Virender Singh Sehrawat, Additional Director Administration-II O/o Director Secondary Education Haryana; (ii) Head of the Department, (Life Science), Kurukshetra University, Kurukshetra; (iii) Head of the Department, (Life Science), Maharishi Dayanand University, Rohtak and (iv) Head of the Department, (Life Science), CCS Haryana Agricultural University, Hisar. The Committee vide its report dated 29.06.2016 has opined as follows:-

“1. The matter was discussed in detail. The candidate has cleared 39 credit Hrs. in M.Sc. (Fisheries) including courses on Morphology & Taxonomy Fish & Shell Fish, Aquatic Biology, Fish Physiology, Fish Reproduction, Fish Physiology & Behavior, Aquaculture, Aquatic Health & Management, Molecular Diagnostic, Economics of Fish & Marketing, Taxonomy & Systematics of Animals, Environmental Biology & Wild Life Conservation.

2. All the courses studied and cleared by candidate are covered under discipline of life sciences.

3. After verification of details and thorough examination of the syllabus, the committee is of the opinion

that M.Sc. (Fisheries) be considered under 'Life Sciences Discipline' for the post of PGT (Biology)."

(5) The Expert Committee thus having held that all the courses studied by the appellant are covered under the discipline of Life Sciences, there can be no escape but to hold that the appellant is fully eligible for the advertised post regardless of the nomenclature of the post or her Postgraduate Degree.

(6) It was in the light of the above-stated report that this Court on 17.08.2016 directed as follows:-

"In view of the categoric report dated 29.06.2016 submitted by the team of subject experts in terms of order dated 17.05.2016 passed by this Court, unanimously resolving that the Postgraduate Degree in M.Sc. (Fisheries) awarded by Chaudhary Charan Singh Haryana Agricultural University, Hisar fully covers the entire discipline of M.Sc. in Life Science, it appears obligatory for the respondent-Authorities to take a pragmatic view and consider all those candidates eligible, who possess the same or similar qualifications irrespective of the nomenclature of degree, which, many a times differ from University to University."

(emphasis applied now)

(7) Sufficient time has been granted but no response has been filed by the official respondents.

(8) In these circumstances, when report of the Expert Committee has gone uncontroverted and the official respondents have failed to produce any other material to hold the appellant ineligible for the post of PGT (Biology), we are inclined to follow the recourse as was adopted by a Coordinate Bench of this Court vide judgment dated 04.12.2012 rendered in a Bunch of cases

others” (P-11) wherein also the question that fell for consideration was regarding eligibility of the writ petitioners for various PGT posts including PGT (Biology). In that case, this Court has held as follows:-

“7. It follows from the above that there is no specific course known as “Life Science”. Infact, in all the four universities run by the State of Haryana itself, Life Science is a Faculty and these universities are running various M.Sc. courses under the aforesaid Faculty of Life Science. It is also clear from the above that it is Maharishi Dayanand University, Rohtak, which is running maximum M.Sc. courses under Life Science as it has specified 16 such courses. Therefore, it is clearly inferred that any candidate who has done any such M.Sc. course, specified in the said list of 16 courses, as extracted above, would qualify M.Sc. Life Science.”

xxxx xxxx xxxx

“...In the absence of any other reply coming forward and having regard to the courses explained by the four universities of the State of Haryana, we are left with no option but to hold that the candidates who have done any of the aforesaid 16 M.Sc. courses, would satisfy the eligibility condition by covering his/her case as M.Sc. Life Science. By holding so, we are not going into the issue as to whether it is equivalent to the other courses i.e. M.Sc. Zoology/Botany/Bio Science/Bio Chemistry etc. That would have been the case if the discipline of Life Science had not been mentioned and this Court had undertaken the exercise as to whether Life Science is equivalent to the other courses. It is stated at the cost of repetition that M.Sc. Life Science would include as one of the qualifications under the Rules itself. As a result of this, the petitioners, wherein they have done one or the other M.Sc. course of the aforesaid 16 M.Sc. courses, would be treated as eligible for consideration to the post of PGT Biology.”

(9) For the reasons afore-stated, the appeal is allowed; the order passed by learned Single Judge is set aside and the appellant's writ petition is accepted with a direction to the authorities to treat her eligible for the post of PGT Biology. In case the appellant, on the basis of her performance in the interview and overall selection criteria has made to the selection list, she shall be offered appointment within a period of two months from the date of receipt of certified copy of this order. The appellant in that eventuality shall be entitled to notional seniority from the date candidate lower in merit was offered appointment. However, she shall not be paid any arrears of pay.

(10) Ordered accordingly.

(Surya Kant)
Judge

09.03.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No