

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1354 of 2016 (O&M)

Date of Decision: 24.05.2017

Shashi Parkash

... Appellant

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE HARI PAL VERMA**

Present: Mr. BR Vohra, Advocate for the appellant

Mr. Ravi Dutt Sharma, DAG Haryana

Mr. DK Khanna, Advocate for respondent No.3

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal is directed against the order dated 11.07.2013 whereby learned Single Judge dismissed the appellant's writ petition in which he claimed himself to be eligible for the post of Conductor under the Haryana State Transport Department.

(2) The short controversy which fell for consideration before the learned Single Judge was whether the qualification of the appellant who has passed Secondary Examination from National Open School, New Delhi in five subjects including English and Hindi (Marks statement P2) is entitled to be treated equivalent to Matriculation qualification of Haryana School Education Board?

(3) Learned Single Judge upheld the order dated 30.05.2012 whereby the departmental authorities held the appellant ineligible for want of prescribed essential advertised qualifications.

(4) Pursuant to the directions issued by this Court, Jai Bhagwan Khatak, Deputy Director, O/o Director, Secondary Education, Haryana has

“That it is further necessary to mention here that from the extract of the letter dated 25.01.2012 vide which the clarification regarding the qualification in reference was given, it is clear that there is no difference between the clarification issued by the respondent department and information given by the Haryana School Education Board, Bhiwani. It is specifically provided in the letter dated 25.01.2012 that Secondary Level Examination passed from National Open School, New Delhi is equivalent to Matric Level Examination of Board of School Education Haryana, Bhiwani subject to the condition that candidate must have passed Hindi and English as compulsory subjects and has passed three subjects out of mathematics, Social Studies, Science and one elective subject in Secondary Level Examination. It means five subjects are required to be passed from the above Board by the candidate for equivalent qualification. The copy of the letter dated 25.01.2012 is annexed as Annexure R-II.”

(emphasis applied)

- (5) The respondent-Education Department has candidly acknowledged in the above reproduced paragraph that the Secondary Education passed from National Open School, New Delhi is equivalent to Matric Level Examination of Board of School Education Haryana Bhiwani subject to the condition that the candidate must have passed Hindi and English as compulsory subjects besides three subjects out of Mathematics,

Social Studies, Science and one elective subject in Secondary Level Examination.

(6) On a perusal of the Marks Statement/Certificate (P2) placed on record by the appellant, we find that he has passed Hindi and English as compulsory subjects in addition to the Mathematics, Social Science and Science.

(7) Thus the qualification possessed by appellant makes him entitled to be treated equivalent to Matric Level Examination of Board of School Education, Haryana.

(8) For the reasons afore-stated, the appeal is allowed; the order passed by learned Single Judge is set aside and the appellant is held to be in possession of the qualification equivalent to the Matriculation Level Examination of Board of School Education, Haryana.

(9) Resultantly, the Haryana Staff Selection Commission is directed to treat the appellant eligible for the advertised post and declare his result. In case the appellant is found to be a selected candidate in the merit list, his name shall be recommended to the Department for appointment, whereupon the appellant shall be offered appointment but without any arrears of pay.

(10) The needful shall be done within three months from the date of receipt of certified copy of this order.

(Surya Kant)
Judge

24.05.2017
vishal shonkar

(Hari Pal Verma)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No