

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

LPA No.1187 of 2017 (O&M)

Date of Decision :13.07.2017

State of Haryana and others

....Appellants

Versus

Sandeep Kumar

....Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

....

Present: Mr.Gagandeep S.Wasu, Addl.AG, Haryana.

....

MAHESH GROVER, J. (Oral)

This appeal has been directed against the judgment of the learned Single Judge dated 19.05.2017 disposing of the writ petition virtually on the concession given by the learned counsel for the State herself. The said judgment notices as follows :-

“...Today learned Assistant Advocate General has fairly accepted that other persons who had similarly obtained diploma from the same University through Distance Education mode were issued appointment letters and thereafter similar writ petitions filed by them were rendered infructuous.”

In these circumstances, the objections taken by the State Government with regard to the inadmissibility of the

qualification of the petitioner was considered insignificant to allow the writ petition in view of the benefit granted to similarly situated persons in related proceedings. Before us learned counsel for the appellants contends that the concession was erroneously given and was contrary to the judgments of the Hon'ble Supreme Court and this Court. We cannot endorse this contention because if we read the statement of the learned counsel for the State in CWP No.9711 of 2012, she has merely stated that the State had accepted the claim of other persons who had obtained diploma from the same university through distance education mode. This is an admission on facts and not on law which the appellants now want to distinguish by referring to some judgments. If despite these judgments the State itself had accepted the qualification possessed by respondent as also in the case of other employees, there would be no occasion to fall back on law to negate the plea of the respondent. It was open to the appellants to contest the matter on merits by referring to the provisions of law, but we find no such reference.

Consequently, the appeal is dismissed being frivolous.

It would be open to the appellants to approach the learned Single Judge considering that the LPA Bench has entertained the appeal to negate the recognition of qualification of university through distance education.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

13.07.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No