

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.342 of 2017 (O&M)

Date of Decision: 06.03.2017

Swati Sharma

... Appellant

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: Mr. Shilak Ram Hooda, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) Notice of motion to respondents No.1&3 at this stage. On our asking, Mr. Ravi Dutt Sharma, DAG Haryana accepts notice on their behalf.

Let two copies of the paper-book be handed over to learned State counsel during the course of day. In view of the nature of order proposed to be passed no reply is required to be filed by the respondents.

(2) Heard learned counsel for the parties.

(3) The appeal is directed against the order dated 09.02.2017 whereby learned Single Judge has dismissed the appellant's writ petition in which she sought a declaration that she, on the basis of her M.Sc. Degree in Biochemistry and Life Sciences is eligible for the post of Assistant Professor (Zoology). Learned Single Judge has observed that as per the Rules of Recruitment, M.Sc. in Zoology is the essential qualification hence the appellant is ineligible. We are unable to subscribe to the view taken by learned Single Judge for two reasons.

(4) Firstly, there are two other writ petitions pending before two learned Single Judges where the question of equivalence of Postgraduate qualifications for the post of Assistant Professor is *sub judice*. CWP No.1493 of 2017 pertains to case of Assistant Professor (Zoology) only. The

writ petitioner in that case has asserted that the qualification of M.Sc. Bio Science (Animal Science) has been equated with M.Sc. (Zoology) by the Kurukshetra University. While issuing notice of motion in that case, learned Single Judge directed that the petitioner shall be interviewed by the Selecting Authority subject to result of the writ petition.

(5) In this view of the matter, learned Singh Judge ought to have heard this case together with other cases pending on the issue whether or not the writ petitioners are eligible for the post of Assistant Professor (Zoology)? Secondly, the Recruitment Rules prescribes “*Master’s Degree level in the relevant subject from an Indian University or an equivalent degree from a Foreign University*”.

(6) Should the Master’s Degree in ‘relevant subject’ be confined to the subject of (Zoology) only or it would include all related subjects is a question which is yet to be determined by learned Single Judge in the pending cases. Since the dismissal of the appellant’s writ petition is likely to have direct bearing on such pending cases also, we allow this appeal without expressing any views on merit and set aside the order under appeal and remit this case to learned Single Judge for afresh adjudication.

(7) Since various matters are pending before different learned Single Judges, Registry is directed to list CWP Nos.2367 of 2017, CWP No.1493 of 2017, CWP No.1926 of 2017, CWP No.1332 of 2017, CWP No.2367 of 2017 as well as the writ petition filed by the appellant i.e. CWP No.2528 of 2017 together before one learned Single Judge after obtaining orders from Hon’ble the Chief Justice.

(8) Parties are directed to appear before learned Single Judge on 10.03.2017. The appellant shall be at liberty to seek interim relief before learned Single Judge.

**(Surya Kant)
Judge**

06.03.2017
vishal shonkar

**(Sudip Ahluwalia)
Judge**

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

*Yes/No
Yes/No*