

215

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

CWP No.13402 of 2014 (O&M)

Date of Decision: 04.04.2018

AVNEET KAUR

..... Petitioner

Versus

**THE STATE OF PUNJAB THROUGH ITS SECRETARY,
DEPARTMENT OF EDUCATION, PUNJAB, CHANDIGARH AND
OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. S.K. Rattan, Advocate for the petitioner.

Mrs. Lavanya Paul, Assistant Advocate General, Punjab
for the respondents.

JASWANT SINGH, J. (ORAL)

This Court, on the last date of hearing, had passed the following
order:-

“ *Petitioner (Avneet Kaur) is seeking appointment to the post of 'Science Mistress' on the basis of her merit determinable as 66.29, whereas the case of the State is that her merit is 64.29 and, therefore, she does not fall within the zone of appointment against the advertised vacancies.*

The claim for the additional two (02) marks by the petitioner is towards her M.Phil Degree obtained in the year 2008 from Periyar University, Salem (Tamil Nadu), through Distant Education mode, as per the conceded criteria. On the other hand, the State is denying the award of two (02) additional marks for the aforesaid M.Phil Degree being an invalid degree obtained through Distant Education mode by undertaking examinations from a Study Centres in Punjab and, thus, outside the territorial jurisdiction of the University situated in Tamil Nadu.

*It is a conceded position that the M.Phil Degree was a recognized Degree from a recognized University obtained through the Distant Education mode, however, reliance is being placed upon the letter dated 23.08.2013 (**Annexure R-4**) issued by the University Grants Commission (UGC), New Delhi, stipulating that such degree(s) cannot be considered as valid.*

*It is pointed out that the validity of the award of such degrees prior to 23.08.2013 has been considered in detail by this Court vide an interim order dated 30.11.2016 (**Annexure P-2**) passed in **CWP No. 13563 of 2016**, titled as '**Baldev Singh and Others Versus State of Punjab and Others**' alongwith connected matters, which position has been accepted by the State of Punjab, subject of course to the final adjudication in the said writ petition(s).*

*Accordingly, the Director of Public Instruction (Secondary Education), Punjab, is directed to provisionally consider the merit position of the petitioner as 66.29 and issue a conditional appointment order subject to final decision of **CWP No. 13563 of 2016 and other connected matters**, provided the petitioner otherwise falls within the zone of appointment against the advertised vacancies, by assuming her merit position as 66.29.*

*List on **04.04.2018** for further consideration. ”*

At the time of hearing, learned State Counsel has handed over the copy of appointment letter issued to the petitioner on 22.03.2018, therefore, states that the present petition has become infructuous. A copy of the appointment letter is retained for the purpose of record.

Learned counsel for the petitioner also concedes the aforesaid factual position.

Disposed of as infructuous.

April 04, 2018

'dk kamra/rajneesh'

**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No