

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 24805 of 2013

Date of Decision: May 25, 2018

Zedha Kiran

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. Anshul Mangla, Advocate
for the petitioner

Mr. Gourav Jindal, Addl. A.G. Haryana

Mr. Pradeep Goyat, Advocate for
Mr. Sandeep Goyat, Advocate
for respondent No. 3

Mr. Salil Sabhlok, Advocate
for respondent No. 4

Sudhir Mittal, J. (Oral)

The petitioner was appointed to the temporary post of Clerk on 28.02.2012 in Public Health Division No. 2, Yamuna Nagar. She possesses the qualification of “Adeeb” from Jamia Urdu Aligarh. The educational qualification of the petitioner was verified from Jamia Urdu Aligarh and vide letter dated 14.02.2012, the Superintendent of Police, Yamuna Nagar was intimated that the qualification of the petitioner is genuine. Subsequently, vide order dated 28.02.2013 (Annexure P-9), the services of the petitioner were terminated on the ground that the qualification of “Adeeb” was not equivalent to matric and, therefore, she did not possess the minimum educational qualification prescribed for the post of Clerk. This order is under challenge in this writ petition.

2. In the written statement, the stand of the State of Haryana is that “Adeeb” is not recognized by the Haryana School Education Board as equivalent to

Matric and, therefore, the petitioner does not possess the requisite minimum educational qualification.

3. Learned counsel for the petitioner has referred to letter dated 18.03.1975 circulated by the Education Commissioner and Secretary, Government of Haryana, in which it is mentioned that degrees or diplomas etc. recognized by the Government of India are also recognized by the Government of Haryana. In this context reference has also been made to notification dated 28.06.1978 published by the Department of Personnel and Administrative Reforms, Ministry of Home Affairs, Government of India, which states that “Adeeb” examination standard is recognized for the purpose of employment to the posts which require knowledge of Urdu of High School/Matriculation. Thus, the contention is that since the Government of India recognizes “Adeeb” examination standard as equivalent to matriculation the same is automatically recognized by the Government of Haryana. The stand of the respondent – State is, thus, illegal and can not be accepted. Reference is also made to judgment of the Supreme Court in *Syed Ahmad vs. Secretary, Ministry of Health & Family Welfare and others, (1997) 11 SCC 529*.

4. The qualification prescribed for the post of Clerk is as follows:-

7	Clerk	(i) matric/Higher Secondary or its equivalent (ii) knowledge o Hindi upto Matric standard. (iii) Qualifies departmental test in type writing in Hindi/English at a speed of 25/30 words per minute respectively within one year of his appointment failing which annual increment will not be released.	(i) Matriculation (ii) Five years experience as group-D employees. (iii) The appointment of an incumbent would be subject to the Subordinate Services Selection Board. (iv) Qualifies departmental test in type writing in Hindi/English at a speed of 25/30 words per minute respectively within one year of appointment failing which annual increment will not be granted.
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5. Thus, matric/High Secondary or its equivalent is an essential educational qualification for appointment to the post of Clerk. The question is whether the qualification of “Adeeb” of the petitioner is equivalent to Matric/High Secondary ?

6. A perusal of the notification dated 28.06.1978 (Annexure P-10) issued by the Government of India leaves no manner of doubt that “Adeeb” is recognized by the Government of India for employment to a post which requires knowledge of Urdu of High School/Matriculation standard. The relevant part of the notification is reproduced below :-

The undersigned is directed to say that on the recommendations of the Board of Assessment for Educational Qualifications, the Government of India have decided to recognise the following courses offered by the Jamia Urdu, Aligarh for the purpose of employment under the Central Government:

Name of the Certificate	Nature of recognition
Adeeb Examination Standard	Recognised for the purposes of employment to the posts which require knowledge of Urdu of High School/Matriculation
Adeeb-e- Mahir	Recognised for the purpose of employment to the posts which require knowledge of Urdu of Intermediate standard
Adeeb-e- Kamil	Recognised for the purpose of employment to the posts which require knowledge of Urdu of B.A. standard.
Moallam-e-Urdu	Recognised for the purpose of employment to the posts which require a qualification for teaching Urdu language up to Higher Secondary standard.

7. The above has to be read as recognition for the purposes of employment to the posts requiring knowledge of Urdu of High

School/Matriculation. This view is reinforced by the nature of recognition of other certificates namely “Adeeb-e-Mahir” etc. The judgment in *Syed Ahmad (supra)* does not help the case of the petitioner because in the said judgment the qualification “Adeeb-e-Mahir” was being examined with reference to the post of Pharmacist of Unani medicine, for which knowledge of Urdu was a requirement.

8. Thus, I do not find any error in the impugned order dated 28.10.2013 (Annexure P-6). The writ petition is dismissed, however, with no order as to costs.

May 25, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No