

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

**Civil Writ Petition No. 17514 of 2018 (O&M)
Date of Decision: 19.07.2018**

Gurmit Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Mohit Garg, Advocate
for the petitioners.

JASWANT SINGH, J.

1. The five petitioners, namely, Gurmit Singh, Gurjeet Singh, Gurinder Singh, Fulvir Singh and Parneet Singh have filed present petition under Article 226 & 227 of the Constitution of India, seeking writ of mandamus directing the Respondent Authorities for “Reading-Up” the qualification of diploma in Mechanical Engineering as requisite qualification for eligibility of direct recruitment to the post of Works Manager provided under the Punjab Department of Transport Commercial Wing (State Service Class-II) Rules, 1984 (for short 1984 Rules).

2. The petitioners are working on the post of Head Mechanic with Director State Transport, Punjab. They have completed their diploma in the field of Mechanical Engineering and were appointed during September’ 2012 to June’ 2013. Respondent No. 2 through Punjab Public Service Commission advertised 7 posts of Works Manager and as per advertisement (**Annexure P-5**) the essential qualification is as below:

“ Essential Qualifications:-

(i) Graduate in Mechanical Engineering from a recognized University with specialization in Automobile Engineering and at least two years experience in supervisory capacity in a Govt. Transport undertaking.

OR

Diploma in Automobile Engineering from a recognized university with five years experience in a supervisory capacity in a Motor workshop of Government Department or Transport undertaking.

(ii) Punjabi upto Matric standard or its equivalent is essential.”

3. Learned counsel for the petitioners contended that diploma in Mechanical Engineering should be treated at par with diploma in Automobile Engineering because curriculum of diploma in Mechanical Engineering is similar as that of diploma in Automobile Engineering. The qualification and experience required for the post of General Manager and Works Manager is equivalent qua graduation in Mechanical Engineering. The diploma in Automobile Engineering is considered for the post of Works Manager but not for the post of General Manager even though feeding Cadre of General Manager is Works Manager. Employees having five years experience in supervisory capacity and possessing diploma in Automobile Engineering are entitled for the direct recruitment to the post of Works Manager whereas petitioners possessing diploma in Mechanical Engineering and having more than 5 years experience in supervisory capacity are not given chance to compete for the post of Works Manager. The curriculum of diploma in Mechanical Engineering is similar to curriculum of Automobile Engineering, therefore, denial of opportunity to petitioners who apply for the post of Works Manager amounts to

discrimination and violation of Article 14 of the Constitution of India.

4. The present petition is bereft of merits and deserves to be dismissed. It is conceded position that appointment and promotion of petitioners is governed by 1984 Rules which require Diploma in Automobile Engineering. Diploma can never be treated equal to degree. Similarity in curriculum in two courses can never make two courses identical even though in particular situation may be alternative. Nevertheless, if contention of petitioner is upheld, the Rules governing appointment and promotion would stand read down or modified by this court whereas the petitioner has failed to point out any ground to form said opinion. The qualification for a particular job is determined by authorities having technical experience which courts lack nor are equipped. The courts are not expected to substitute or modify opinion of technical experts or Rules unless and until there is discrimination or arbitrariness on the part of authorities. Similar view has been expressed by this court in the case ***Shiv Kumar and others Versus State of Haryana 2015(2) S.C.T. 160, Pritam Kumar Versus Animal Husbandry and Dairying Department 2016 (1) S.C.T. 391***. In the present case, there are statutory Rules which are not under challenge except prayer of reading up 1984 Rules.

In view of aforesaid findings, this court does not find merits in the present petition and it deserves to be dismissed and accordingly **dismissed**.

July 19, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>