

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8201 of 2018
Date of Decision: 03.04.2018

Sandeep

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present:- Mr. Jagjeet Beniwal, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J.

1. The petitioner applied for an opening as Agriculture Inspector (Soil Conservation) notified as Category No.37 post in advertisement No.6 of 2016 issued in the press on December 02, 2016 by the Haryana Staff Selection Commission on requisition sent by the State Government. He applied in quota meant for reserve category candidates (SC). He appeared at the time of scrutiny of documents but to his dismay found that his name does not figure in the notice to candidates called for interview on March 21, 2018.

2. On March 22, 2018, the Commission issued Notice/Announcement informing the participants that the Commission had weeded out the ineligible candidates who do not fulfill the requisite advertised qualifications and service rules. The list of ineligible candidates was uploaded on the web site of the Commission.

3. The candidature of the petitioner has been rejected for two

reasons. Firstly, the petitioner has not qualified the 10+2 examination. Nor does he possess a diploma in Agriculture Engineering from a recognized institution. The petitioner has done the three year Diploma in Computer Engineering from Govt. Polytechnic Nilokheri. He argues that the Computer Engineering Diploma is equal to 10+2 examination.

4. Are these two qualifications equivalent? Is the petitioner eligible? These two questions have to be answered. To answer them, the essential qualifications advertised are reproduced below:-

“i) 10+2 with Science, or Diploma in Agriculture Engineering from a recognized Institution;

ii) Knowledge of Hindi/Sanskrit upto Matric Standard or Higher Education.”

5. There is a subject matter difference between 10+2 and “10+2 with Science”. The petitioner is neither. The Haryana Government in the Technical Education Department has issued certain notifications on which petitioner bases his case for equivalence of the diploma he possesses with 10+2 with Science at Senior Secondary level.

6. To be read, the first and foremost are the policy instructions dated March 03, 2016 where the matter regarding declaring diploma courses of minimum two years duration run under the aegis of the Technical Education Department and affiliated to the Haryana State Board of Technical Education, Panchkula (HSBTE) equivalent to that of 10+2 courses of Senior Secondary Level was examined by the Haryana School Education Board, Bhiwani (BSEH). This issue was examined and it was declared on the recommendations of the BSEH that for purpose of admission to the under graduate courses where 10+2 qualification is the

Education, Haryana Government and affiliated to the HSBTE, are equivalent to that of 10+2 course of Senior Secondary Level. On the basis of the decision of the BSEH, the Governor of Haryana was pleased to declare the diploma courses of minimum two years duration under the aegis of Department of Technical Education, Haryana and affiliated to the HSBTE are equivalent to that of 10+2 course of Senior Secondary Level awarded by BSEH, Bhiwani for the purpose of admission to the under graduate courses where 10+2 qualification is an essential condition of eligibility. In other words, where 10+2 qualification is essential for admission to under graduate courses then the diploma courses of minimum two years duration would be equivalent to 10+2 qualification. These instructions have nothing to do with direct recruitment and serve only the purpose of higher education.

7. With the object of direct recruitment to service under the State, the Haryana Government in the Technical Education Department issued notification dated September 08, 2016 and it stands declared that diploma courses of minimum two years duration run in Haryana under the HSBTE, Panchkula are equivalent to 10+2 for the purpose of recruitment where 10+2 or equivalent is the requisite qualification advertised by different Departments of the State of Haryana. In both the notifications dated March 03, 2016 and September 08, 2016 there is no specific mention of 10+2 with Science. Notwithstanding the petitioner does not possess the 10+2 at all. The petitioner has passed the 10th examination and thereafter joined the course in Computer Engineering. He has not studied and passed the 11th and 12th class examination.

8. The Haryana Government issued yet another notification dated February 02, 2017 with reference to the notification dated September 08, 2016 declaring all diploma courses of minimum two years duration awarded by the HSBTE, Panchkula equivalent to 10+2 qualification for the purpose of recruitment in Government jobs in the State of Haryana. On the advice of Chief Secretary, Government of Haryana dated 16/18.10.2016 all the Departments/Boards/Corporations/Universities have been requested to make amendments in their respective Service Rules for incorporating relevant provisions specifying that all diploma courses of minimum two years duration are equivalent to 10+2 qualification where 10+2 or equivalent qualification has been prescribed. It may be mentioned that the advertisement No.06 was issued on December 02, 2016 before the instructions dated February 02, 2017 were issued.

9. Lastly, the petitioner relies on a memo dated July 25, 2006 from the Director, Technical Education Department, Haryana addressed to five Universities in the State on the subject of equivalency of diploma programme. The Universities were requested to consider the diploma qualified candidates for admission to under graduate programme offered by the University. Computer Engineering is mentioned at Sr. No.8 as recorded beneath the said letter. It is mentioned in the letter that the diploma programmes offered by the State Board of Technical Education have been classified in categories for equivalence in 10+2 are: (i) 10+2 Non-Medical science; (ii) 10+2 Medical science; (iii) 10+2 Commerce and (iv) 10+2 Humanities. This circular deals with further education and not appointment to service. Besides, it is addressed only to Universities and the academeia.

10. Quite apparently, the petitioner is not eligible as he does not possess 10+2 with Science nor a diploma in Agriculture Engineering from a recognized Institution which is essential qualification for the post of Agriculture Inspector (Soil Conservation). His diploma in Computer Engineering is not advertised as qualification for the post applied. Even if we assume it is equal to 10+2 at Senior Secondary Level the petitioner has not qualified the 10+2 with Science.

11. The post requires a Science background person. The advertised rules require either a candidate with 10+2 with Science which is learning Science for three years from 10th to 12th or a two year diploma in Agriculture Engineering from a recognized Institution which is equivalent to 10th with Science + 2 year Diploma in Agriculture Engineering. Meaning thereby, the candidate has done two year diploma in Agriculture Engineering after 10th with Science. The advertised qualifications have to be strictly construed and no variation is possible if the recruitment process is to go ahead in terms of the rules set before the game began. The Commission was duty bound to adhere to the terms and conditions prescribed in the advertisement and they have committed any error in not calling the petitioner for interview.

12. Accordingly, the petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

03.04.2018
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Whether speaking/reasoned

Yes

Whether reportable

Yes