

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1299 of 2018 (O&M)
Date of Decision :24.08.2018

Zedha Kiran

.....Appellant

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Anshul Mangla, Advocate for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the letters patent, has been filed by the appellant-petitioner, is directed against the judgment and order of the learned Single Judge dated 25.05.2018, dismissing the writ petition.

Facts relevant for the purpose of the case in brief can be summarized as under:-

The appellant-petitioner was appointed to the temporary post of Clerk on 28.02.2012, in Public Health Division No.2, Yamuna Nagar. However, subsequently, vide order dated 28.02.2013, the services were terminated on the ground that the qualification of *Adeeb* held by the appellant-petitioner was not equivalent to matric, and thus, she was not having minimum educational qualification prescribed for the post. The case set up by the appellant-petitioner was that vide notification dated

28.06.1978, issued by the Government of India *Adeeb* examination has been recognized as equivalent to High School/Matriculation and since the State of Haryana vide letter dated 18.03.1975, issued by the Education Commissioner and Secretary, adopted the recognition and equivalence given by the Government of India to various degrees and diplomas, the *Adeeb* certificate held by the appellant-petitioner is equivalent to High School/Matriculation, and thus, the respondents have committed illegality in dispensing with the services of the appellant-petitioner on the ground that she does not possess minimum prescribed qualification for the post.

Learned Single Judge after analyzing the qualification prescribed for appointment on the post of Clerk as also the notification issued by the Union of India dated 28.06.1978, held that the certificate of *Adeeb* examination has been recognized by the Union of India to be equivalent to High School/Matriculation for the purpose of employment to the post which requires knowledge of Urdu. Since in the case in hand the post on which the appellant-petitioner was appointed did not require the knowledge of Urdu, on the contrary knowledge of Hindi was required as such her *Adeeb* certificate cannot be held to be equivalent to High School/Matriculation, and thus, she lacked the basic qualification prescribed for the post.

Learned counsel for the appellant vehemently contended that since Hindi was also one of the subject in *Adeeb* as such the appellant-petitioner also possess knowledge of Hindi and the certificate being equivalent, learned Single Judge has committed a manifest error of law in

rejecting the writ petition.

We have considered the argument advanced by learned counsel for the appellant. A perusal of the notification dated 28.06.1978, clearly goes to show that Union of India has recognized the *Adeeb* examination to be equivalent to High School/Matriculation only for the purposes of employment to the posts which require knowledge of Urdu. It is not a case where the *Adeeb* examination has been held to be equivalent to High School or Matriculation in general. It has been recognized to be equivalent specially with respect to the post which require knowledge of Urdu. Since in the case in hand the post did not carry any requirement of having knowledge of Urdu as such the *Adeeb* certificate held by the appellant-petitioner cannot be held to be equivalent to High School or Matriculation and the learned Single Judge committed no illegality in dismissing the writ petition on the said ground.

In view of the above facts, since there is no infirmity or illegality in the impugned judgment. Thus, there is no reason for us to interfere in the impugned order and judgment. The appeal accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.08.2018

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No