

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 20778 of 2011.

Date of Decision: 10.01.2019.

Ms. Anju Rani Prashar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Deepak Bhardwaj, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. AG Punjab.

JITENDRA CHAUHAN.J.

The petitioner prays that the merit list (Annexure P-8)
be quashed as she has not been considered eligible for the post of
Vocational Mistress (Civil).

On 19.04.2018 the following order was passed:-

*“Considering the nature of issue involved, the Court
feels expedient to have the report of experts.
Accordingly, the State is directed to have the
necessary instructions with regard to eligibility of the
petitioner from the State Board of Technical
Education, Punjab.”*

In pursuance of the aforesaid order, the Punjab State
Board of Technical Education and Industrial Training has filed opinion
which reads as under:-

*“xxxx In this regard, it is intimated on the basis of
AICTE letter No. FAD (Acad) Genl. Coress/2015/176
dated /03/2015 that it is the discretion of the
Employer/Accepting Authority to consider to
equivalence of the Diploma/Degree Certificates, the
copy of which is sent to you.”*

As per the clarification (Annexure R-4), the question
has been left to the discretion of the State.

As per advertisement (Annexure P-1), for the post of Vocational Mistress (Civil), the required qualification is three years Diploma in the concerned/related branch of Engineering from State Board of Technical Education along with three years teaching or practical work experience from Government or Government recognized/affiliated or from registered department which is issued by appropriate authority under his signatures. The petitioner holds diploma in Architect. The petitioner sought information under the RTI Act, 2005 from the department. The information (Annexure P-10) supplied reads as under:-

“Applicant's qualification is Diploma in Architect. The applicant does not fulfill the qualification criteria for Vocational Master (Civil Engineering) as per the service rules of the department and the advertisement of 2009. Though a candidate having applicant's qualification can teach the subject of Civil Engineering, but the applicant can be considered against the post of Vocational Master (Civil Engineering) only after amendment of rules. Copy of the relevant portion of departmental service rules and advertisement 2009 is enclosed. This is also mentioned that so far no Architect Diploma Holder has been appointed.”

As per the information (Annexure P-10), the petitioner is not eligible, therefore, the remarks that the petitioner can teach is of no consequence as the same does not make him eligible.

Dismissed.

10.01.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

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