

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. Date of decision-21.08.2019
CWP-21956-2012(O&M)

Jatinder Kaur

...Petitioner

Vs.

State of Punjab and another

...Respondents

2. CWP-19148-2013(O&M)

Rupinder Kaur

...Petitioner

Vs.

State of Punjab and another

...Respondents

3. CWP-13594-2014(O&M)

Poonam and another

...Petitioners

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. HPS Ishar, Advocate
for the petitioner(s) in CWP-21956-2012.

Mr. K.B. Raheja, Advocates
for the petitioner(s) in CWP-19148-2013.

Mr. Vivek Sethi, Advocate
for the petitioner(s) in CWP-13594-2014.

Ms. Anju Arora, Addl. A.G., Punjab.

JITENDRA CHAUHAN, J.

The above noted batch of three writ petitions is being disposed of by this single judgment as common questions of law and facts are involved therein. However, the facts are being derived from CWP No.21956 of 2012, for brevity.

The petitioner(s) have sought directions to respondent Nos.1 and 2 to consider and appoint her on the post of Steno-typist.

The petitioner, a member of Scheduled Caste Annexure P-I, She has completed three years diploma in Modern Office Practice from Government Polytechnic for Women which is affiliated to the Punjab State Board of Technical Education and Industrial Training. Vide mark sheet and certificate (Annexure P-2 Colly), the petitioner has also completed M.A. (Punjabi) Part – I. In pursuance to the advertisement (Annexure P-8), the petitioner had applied for the post of Steno-typist. It was stipulated in the advertisement that the candidate must possess degree of graduation with computer course of 120 hours from a recognized University or Institute. Thereafter, a list was published (Annexure P-10) in which the names of eligible candidates were mentioned. The name of the petitioner was reflected in the list and as such she was found to be eligible. Thereafter, vide order (Annexure P-11) time table for conducting test of Steno-typist was published. On 20.09.2012, the petitioner appeared for the test but she was not permitted to take examination on the ground that her diploma of Modern Office Practice is not equivalent to B.A. Degree.

It is further contended by learned counsel for the petitioner that vide letter (Annexure P-5 in CWP-19148-2013) issued by Punjabi

University, Patiala, it was decided that if a candidate holds diploma in Modern Office Practice, the same shall be treated equivalent to the degree of graduation for the purpose of employment and higher study with a condition that the student will have to pass Punjabi Compulsory Subject (Part I, II and III) of B.A. He contends that the petitioner had already passed Modern Office Practice (three years diploma) and has also qualified Punjabi Compulsory Subject (Part I, II and III) of B.A., therefore, her degree is equivalent to that of the graduation.

The sole argument raised by the learned counsel for the respondents is that the degree of the petitioner is not valid for the purpose of employment and therefore, the same cannot be considered as equivalent to degree of graduation. The case of the petitioner with regard to equivalent of eligibility was referred to the High Power Expert Committee of the Board which after considering the matter rejected the case of the petitioner.

Heard.

The crucial document in this case is the letter (Annexure P-5) issued by the Punjabi University, Patiala. The relevant paragraph of the said letter is reproduced as under:-

“The following decision of the Academic Council (Para 13-32) dated 30.03.2000) with regard to accepting the 3-years Diploma in Modern Office Practice equivalent to B.A. was considered.

The 3-years Diploma in Modern Office Management being run by the Punjab State Board of Technical Education and Industrious Training will be accepted equivalent to the First Degree Graduation for the purpose of employment and for the purposes of higher study (M.A.) etc. in this University on the condition that the student will also have to pass the Punjabi Compulsory Subject (Part-I, II and III) of B.A. of

Punjabi University, Patiala, in order to accept the decision taken by the Equivalence Committee is approved.”

In view of the specific clarification by the Punjabi University, Patiala in the aforesaid letter that the degree is valid for the purpose of employment and higher study, the arguments raised by the learned counsel for the respondents is repelled.

In view of the above, the present batch of civil writ petitions is hereby allowed. The case of the petitioner(s) for appointment to the respective posts applied by the petitioners, by treating their Diploma of Modern Office Practice as equivalent to degree of graduation.

Allowed.

(JITENDRA CHAUHAN)
JUDGE

21.08.2019

ps-I

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No