

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

**CWP-25524-2014 (O&M)
Date of decision : 14.05.2019**

Hans Raj

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S.S. Brar, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN, J.

The petitioner, *inter alia*, seeks quashing of impugned order dated 15.09.2014 (Annexure P-4), passed by respondent No.1, whereby, his representation for promotion as Agriculture Development Officer has been rejected.

It is contended that the petitioner was appointed as Agriculture Sub Inspector on 09.03.2000 with respondent No.3. He preferred CWP-16468-2013 titled as ***Hans Raj Vs. State of Punjab and others***, before this Court seeking direction to the respondents to consider his case for promotion as Agriculture Development Officer (earlier known as Agriculture Inspector) from the date he became eligible therefor, along with all consequential benefits. The writ petition was disposed of on 31.07.2013 (Annexure P-2) in view of the judgment/order passed by this Court in CWP-

5985-2010, titled as ***Yadwinder Singh and another Vs. State of Punjab and others.*** When no action was taken by the respondents, the petitioner caused to issue a contempt notice dated 17.07.2014 (Annexure P-3) to the respondents. On receipt of the contempt notice, respondent No.1 passed impugned order dated 15.09.2014 (Annexure P-4), declining to promote the petitioner as Agriculture Development Officer from the date he became eligible for the same. Hence, the instant petition.

It is contended that the case of the petitioner has been rejected on the ground that the petitioner was appointed as a diploma-holder and he did not take any sanction from the department for pursuing B.Sc. Degree in Agriculture. However, the petitioner had obtained B.Sc. Degree in Agriculture in the year 1999 from Chaudhary Charan Singh University, Meerut and the same was awarded to the petitioner before joining as Agriculture Sub Inspector in the year 2000.

On the other hand, learned State counsel submits that petitioner was recruited as Agriculture Sub Inspector through Punjab Subordinate Services Selection Board on the basis of his qualification i.e. Diploma in Agriculture. The petitioner neither obtained any prior permission from the Government to pursue B.Sc. Degree nor did he inform about his successful completion of the degree course. The service record of the petitioner mentions his education qualification as Diploma and he has never approached the department to update his qualification to that of a Degree in the service record.

Heard.

On 18.03.2016, this Court noticed as under:-

“Let the petitioner appear before this Court on the next date of hearing alongwith his original B.Sc. (Agriculture) degree obtained from Chaudhary Charan Singh University, Meerut alongwith all the original documents. He will file an affidavit whether he studied for his degree as a regular candidate at Meerut or by the Distance Education, as also the duration of the course and when did he appear for the final examination.

List again on 07.04.2016. To be shown in the Urgent List.”

In compliance of the above order, the petitioner appeared in person on 07.04.2016 and filed his affidavit dated 30.03.2016, relevant portion whereof is extracted hereinbelow:-

“1. That the deponent has passed B.Sc. In Agriculture in First Division from Chaudhary Charan Singh University Meerut.

2. That the deponent passed his B.Sc. Agriculture as a regular student while attending classes at Shri Sai Institute of Education and Technology Dadhra, Meerut.

3. That the deponent passed his First Year B.Sc. In Agriculture in the year, 1996, Second Year in the year 1997, Third Year in the year 1998 and Fourth Year in the year 1999 and passed of B.Sc. Agriculture in the year 1999.”

Thus, it is clear that the petitioner had obtained his B.Sc. Agriculture degree in the year 1999 as a regular student, whereas, he was appointed as Agriculture Sub Inspector in the year 2000 through the Punjab Subordinate Services Selection Board. As such, there was no occasion to

take any prior permission from the Government to pursue the degree course. The fact that the same was not entered into his service record at the time of joining the service can be attributed to oversight or lack of knowledge. Otherwise, the petitioner had nothing to gain by concealing his higher qualification.

In the earlier round of litigation, the writ petition bearing CWP-5985-2010 was disposed of in terms of the order passed by this Court in Yadwinder Singh's case (*supra*). However, the claim of the petitioner was rejected only on the ground that he was not a degree-holder. Now, it has been proved beyond doubt that the petitioner had obtained B.Sc. Agriculture degree prior to his joining the services with the respondents, there does not seem any ground to deny the relief claimed by him.

In view of the above, the instant petition is allowed; impugned order dated 15.09.2014 (Annexure P-4) is hereby quashed. The respondents are directed to pass necessary orders of promotion of the petitioner in terms of the order passed by this Court in CWP-5985-2010 earlier filed by the petitioner, after considering him to be a graduate and all consequential benefits be given to him. The necessary exercise be concluded within a period of eight weeks from the date of receipt of a certified copy of this judgment.

14.05.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No