

CM-4406-CWP-2020 and
CWP-28166-2018 (O&M)
Date of decision : January 21, 2021

Iqbal Jakhal

.....Petitioner

Versus

HVPNL and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Naveen S. Bhardwaj, Advocate for the petitioner.

Mr. Deepak Sabharwal, Advocate for respondents No. 1 to 3.

Ms. Upasana Dhawan, AAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in CM-4406-CWP-2020 is for preponement of hearing of the matter, which is listed for 01.03.2021 and disposal of the same with the direction to the respondent – authorities to re-consider the petitioner's claim in the light of instructions dated 31.01.2020 (Annexure P25).

Learned counsel for the respondents do not raise any serious objection to the preponement of hearing of the matter.

Keeping in view the specific stand of the parties, hearing of the writ petition is preponed from 01.03.2021 for today itself.

Petitioner seeks quashing of order dated 04.05.2018 alongwith decision forming basis for such rejection, conveyed by the respondents-authorities, whereby claim of the petitioner for inclusion in ranking/select list prepared by the respondent – Nigam for promotion and other consequential benefits with effect from the due date, has been rejected on the ground that the degree acquired by him from the Institution of Civil Engineers, Ludiana, Punjab

is not valid qualification for recruitment/promotion to the post as conveyed by the Director General Technical Education Haryana, Panchkula.

Notice of motion had been issued in this case with the following observations:-

“ Learned counsel for the petitioner has referred to the notification dated 06.11.2017 (Annexure P-3), whereby it has been decided to give recognition to the Section A & B of the Associate Membership Course, equivalent to the Degree and Part-1 and II of Technician Engineers (T) equivalent to Diploma in Civil Engineering and Architecture Engineering Courses conducted by the Institution of Civil Engineers, Ludhiana, Punjab (India). He has further referred to the letter dated 06.12.2012 (Annexure P-23), whereby order/notification (Annexure P-3) was modified and recognition stood withdrawn. However, in point (ii), it was clarified that all those students who are enrolled with the institutions with permanent recognition upto 31.05.2013 would be eligible for consideration in accordance with MHRD office memorandum/order in force pertaining to their course for equivalence in Central Government jobs. Learned counsel contends that the students, who were granted admissions upto 31.05.2013, were to be considered eligible as per their certificates issued by the said institution. Learned counsel further referred to the letter dated 18.03.1975 (Annexure P-24), whereby State of Haryana has granted recognition to all degrees and diplomas, which are recognized by the Government of India.

Learned counsel for the petitioner has argued that the petitioner, who had acquired the qualification of Civil Engineering from Ludhiana (Punjab), as per notification (Annexure P-23), was eligible to be appointed as Assistant Engineer, as he had got admission in this course in 2011.”

Learned counsel for the petitioner has referred to instructions dated

31.01.2020 attached as Annexure P25. Relevant part thereof reads as under:-

“3. The AICTE issued a Public Notice Advt. No. P&AP/10(04)/2017 in August 2017 that the Council in its 52nd Emergent Meeting held on August 03, 2017 decided to recognize equivalence for all purposes including Higher Education & Employment to Technical Courses conducted by various Professional Bodies/Institutions which were duly recognised by MHRD with permanent recognition upto 31.05.2013. Thus, all the students who were enrolled with these institutions with permanent recognition upto 31.05.2013, stands recognised.

4. The State government has therefore decided that qualifications i.e. Diploma/Degree (Civil)Engineers, awarded by Institution of Civil Engineers, Ludhiana (Punjab) are valid only for those students who were enrolled upto 31.05.2013.”

Learned counsel for the petitioner submits that the petitioner has also submitted representation dated 24.02.2020 (Annexure P26) in this respect.

Learned counsel for the State is unable to deny that petitioner’s case definitely requires reconsideration, in view of the said instructions dated 31.01.2020 (Annexure P25).

Accordingly, order dated 04.05.2018 (Annexure P22) is set aside with a direction to the competent authority to reconsider and decide the petitioner’s case/subsequent representation in view of instructions dated 31.01.2020 (Annexure P25) within two months. In the case, the petitioner is held entitled to any benefit, the same be released to him within two months thereafter. Needless to say in case of an order adverse to the petitioner, same be by way of a speaking order.

January 21, 2021
rts

(Lisa Gill)
Judge

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