

Sr. No.695

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-17052-2000 (O&M)
Date of decision: 24.05.2022

Suraj Mal ...Petitioner
Vs.
State of Haryana and others ...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Raman B. Garg, Advocate and
Ms. Gitanjali Chhabra, Advocate,
For the petitioner.

Mr. R.D.Sharma, DAG, Haryana.

Mr. Arvind Rajotia, Advocate,
For respondent No.3-Haryana Public Service Commission.

ARUN MONGA, J. (ORAL)

Petitioner herein *inter alia* seeks issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to consider his candidature on the post of Assistant Employment Officer (Vocational Guidance) which was advertised in year 1998 vide Annexure P-1, notwithstanding the time lapse of 2 years. With a further prayer to direct official respondents to select the petitioner in preference over respondents No.4 and 5.

2. Succinct facts first. Respondent No.3 advertised 7 posts of Assistant Employment Officers (Vocational Guidance) in Labour and Employment Department, Haryana. Out of these, two were meant for General Category and rest were reserved for different categories as mentioned in the advertisement.

3. Petitioner also applied, however Respondent No.3 raised an objection vide a letter dated 18.02.1999 (Annexure P-4) stating therein that the petitioner, as an essential pre requisite, did not possess Master of Arts in Education/Psychology as per the advertisement. Petitioner submitted various representations etc., but to no avail. Hence, the writ petition.

4. I have heard learned counsel for the parties and gone through the case file.

5. Not only it is too belated and stale at this stage to consider the claim of the petitioner but even otherwise, on merits, his case is quite hopeless.

6. Sum and substance of staking his claim is based on the argument, as also pleaded in petition and canvassed in course of hearing, is that degree of M.Ed. possessed by him is equivalent to M.A. in Education. I need not to add any further than to simply reproduce the stand taken by the Haryana Public Service Commission qua the same, with which I am in agreement:-

“2. It is submitted that the petitioner is trying to mislead the Hon’ble Court by contending that the Degree of M.Ed., which he is possessing, is a Degree of Master of Education and was thus eligible for the post of Assistant Employment Officer. It is submitted that according to the Advertisement issued by answering respondent as per Annexure P-1 with the writ petition for the posts of Assistant Employment Officer, a candidate in order to be eligible for the post, should possess either Master’s degree in Psychology or Master’s degree in Education with specialization in Vocational Guidance or Master’s Degree in Education with Diploma in Vocational Guidance granted by the State Vocational Guidance Bureau for Teachers Training College duly affiliated to recognized University Or Master’s Degree in Education with specialization in Principles and Techniques of Guidance and Hindi upto Matric standard. It is further submitted that the Master’s Degree of Education (M.Ed.) cannot be considered as same qualification as the Master’s Degree in Education is an academic qualification whereas Master as M.Ed., which is also known as Master of Education is a professional degree in the teaching line only. The duration of study of M.Ed. is one year after passing B.A., B.Sc., B.Ed. Whereas duration of study of Master’s Degree in Education is two years which can be passed after passing Bachelor Degree in any Art Studies in Academic line. A specimen of the degree of Master of Arts Education awarded by the Maharishi Daya Nand University, Rohtak to one of the student is attached as Annexure R-1 for kind perusal of Hon’ble Court. In view of the above submissions, the petitioner cannot claim himself to be eligible for the post of Assistant Employment Officer and his candidature has rightly been rejected.”

7. Perusal of the aforesaid would reflect that it is not just case of the petitioner which has been singled out and rejected. Likewise, many other similarly

situated candidates have been meted out with similar treatment. Naturally, it will unjustifiably tilt the balance of equities, by treating the petitioner any different from all those, who too were rejected on that very ground. Conversely, many of the candidates, who possessed the degree as M.Ed. like the petitioner would not have even applied since the advertisement is amply clear that what required is M.A. in Education and not the M.Ed.

8. That apart, it is not for this Court to superimpose its own opinion with regard to equivalence of the degrees. Same is required and ought to be done, if at all, by the domain experts. It appears, after a conscious decision, they have chosen otherwise as the Universities have introduced two different degrees having different nomenclature. Though both degrees pertain to streams of education, but that *per se* cannot and do not make them equivalent.

9. Moreover, selection was made in year 1998 and yet, petitioner approached this Court belatedly in the year 2000. Petition is liable to be dismissed on the ground of delay and laches as well.

10. Learned counsel for the petitioner, at this stage, makes endeavor to justify the delay, but the same, in any case, is of no significance as I have already expressed my opinion on the merits of the case.

11. No grounds to interfere are made out.

12. Dismissed.

24.05.2022
Vandana/mahavir

(ARUN MONGA)
JUDGE

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