

In the High Court of Punjab and Haryana at Chandigarh

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CWP-7908-2020 (O & M)

Date of Decision: February 17, 2022

RAKESH KUMAR AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Amit Jhanji, Senior Advocate with
Mr. Abhishek Sharma, Advocate for the petitioners.

Mr. Sharad Aggarwal, AAG, Haryana.

Mr. Hitesh Pandit, Advocate for respondents No.2 to 4.

Ms. Mehak Swahney, Advocate for respondent No.5.

Mr. Amarjit Singh Virk, Advocate for respondent No.7.

Mr. Jagdeep Singh Rana, Advocate for respondent No.8.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioners have challenged the order dated 28.02.2020 whereby respondent No.5 has been promoted as Sub Divisional Engineer (Civil).

Learned Senior counsel for the petitioners contends that respondent No.5, who was working as Junior Engineer with respondent No.2, had sought to upgrade his qualification by enrolling for the degree course through CBS Group of Institution, Fatehpuri, District Jhajjar. Respondent No.5 had written to the Chief Administrator of the Board-respondent No.2 that he may be permitted to attend classes after office hours, which would not effect his official duties (Annexure P-5). In response to the communication, the Chief

Administrator had sought the schedule of time and duration of the study course from respondent No.5 on 04.09.2014 (Annexure P-6). The MDU, Rohtak (respondent No.7) had informed that no evening classes nor a part time course has been allowed to run in the college under the CBS Group of Institution on 16.05.2017. Respondent No.5 had not been granted any study leave which had been intimated to the petitioners in response to the RTI application vide communication dated 28.08.2019 (Annexure P-11). He also contends that as is apparent from perusal of noting dated 28.02.2020 (Annexure P-16), no study leave has been granted to respondent No.5 and he had also availed full salary for the period wherein he had acquired B.Tech degree.

Learned counsel for respondents No.2 to 4, however, contends that the degree of B.Tech which had been acquired by respondent No.5 in the year 2014-2017 had been verified and authenticated by the All India Council for Technical Education (AICTE). A copy of the communication received from AICTE in this regard dated 07.02.2020 is annexed as Annexure R-2/12. He has also drawn my attention to the reply filed by respondent No.2 wherein it is stated that the matter with regard to respondent No.5 having undertaken the B.Tech course without any leave and having availed full salary is under consideration of the respondents and would be concluded expeditiously.

Heard.

The degree of B.Tech obtained by respondent No.5 from the CBS Group of Institution has been approved and verified by the All India Council for Technical Education. In the communication dated 07.02.2020 (Annexure R-2/12) sent by AICTE to respondent No.2, it was stated that CBS Group of Institution, Jhajjar has been granted AICTE approval for B.Tech (Civil), 2nd

shift during the year 2014 to 2017 and, therefore, the course is valid for Government service/promotion. Therefore, as the degree obtained by respondent No.5 has been verified by AICTE, I do not accept the contention of the learned counsel for the petitioners that respondent No.5 is not eligible for promotion to the post of Sub Divisional Engineer.

Insofar as the contention of the learned senior counsel for the petitioners that respondent No.5 has obtained the degree without taking study leave and has been paid full salary for the period is concerned, this aspect is under consideration of respondent No.2.

Consequently, while I do not find any merit in the challenge to the promotion of respondent No.5, the petition is disposed of with a direction to respondent No.2 to consider and decide the matter with regard to the respondent No.5 undergoing the course without obtaining study leave and having received full salary for the period, within a period of four months from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

February 17, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No