

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

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LPA No.662 of 2020 (O&M)

Date of decision: 03.02.2022

Haryana Staff Selection Commission through its Secretary

... Appellant

Versus

Sandeep Kumar Ravesh & others

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

Present: Mr.Hitesh Pandit, Addl.A.G., Haryana, for the appellant.

Mr.R.K.Doon, Advocate, for respondent No.1.

G.S. Sandhawalia, J.

The present Letters Patent Appeal, filed by the State, is directed against the impugned judgment passed by the Learned Single Judge in CWP-20840-2018 on 29.05.2020 wherein directions had been given to treat the writ petitioner/respondent No.1 eligible for the post of Mandi Supervisor-cum-Fee Collector against advertisement No.7/2015 against General Category and to take action in accordance with law.

Learned Single Judge came to the conclusion that the writ petitioner had the qualification of M.Tech from Punjab Technical University, Jalandhar in the discipline of CAD-CAM, which is recognized by the AICTE. Resultantly, it was held that the earlier decision taken by the appellant-Commission to treat all the candidates who had got Engineering Degrees, Bachelor Degrees and Masters Degrees (different nomenclature) in Computer/ Computer Engineering/ Computer Science/Information Technology/Computer Application etc. from recognized Universities of AICTE/UGC had to be given appointment as per the stand of the appellant itself. Reliance was also

placed upon the order passed on 14.11.2018 (Annexure P-6) wherein a bunch of 69 cases, lead case of which was CWP-20394-2018 titled *Prince Vs. State of Haryana & others*, had been decided.

State Counsel has vehemently argued that as per the eligibility criteria and the qualifications, the writ petitioner did not have the requisite certificates of 6 months in Computer from a recognized institution. Therefore, the benefit of Masters Degrees was of a different specialty and it was not as per the essential qualifications for the post of Mandi Supervisor. Relevant portion of the order dated 29.05.2020 passed in CWP-20840-2018 read as under:

- “(i) Graduation with 55% marks from a recognized university with six months certificate in Computer from a recognized Institution; and
- (ii) Hindi/Sanskrit upto Matric Standard of higher education.”

Admittedly, a dispute had also arisen regarding the said certificates which was subject matter of consideration in Prince (supra). In the said case, the Minutes of Meeting dated 07.09.2018 of the appellant-Commission were placed before the Learned Single Judge and who eventually while disposing off the writ petitions, had issued directions that the petitioners who had done their Computer Course from the said institutes will be considered eligible. Order dated 14.11.2018 reads as under:

“This order shall dispose of the above mentioned writ petitions, as common questions of facts and law are involved in them.

Learned Advocate General, Haryana, has placed on record the minutes of meeting of the Haryana Staff Selection Commission, which was held on 07.09.2018, whereby a

decision has been taken with regard to the Institutes which will be considered for Computer Courses for the posts of Mandi Supervisor-cum-Fee Collector. The details of the Institutes are given as under :

01. One year Diploma for Computer Operator and Programming Assistant, Desk Top Publishing Operator, Computer Hardware and Network Maintenance and six month

Diploma of Data Entry Operator issued by Skill Development and Industrial Training Department.

02. Certificate Course (144 hours) of C-DAC.

03. Certificate Course of HKCL.

04. Certificate Course of HARTRON.

05. All Engineering Degree/Bachelor Degree/Master Degree (different nomenclature) in Computer/Computer Engineering/ Computer Science/Information Technology/Computer Application e.g B.Tech/BE/ B.Sc. Engg./BCA/B.SC./Masters in Computer/Computer Science/Information Technology/ Computer Application recognized for AICTE/UGC.

06. HARTRON Diploma in Financial Accounting with HARTRON Skill Centre.

07. Diploma/Computer Course from District Council for Child Welfare.

08. Diploma/Computer Course from Red Cross Society.

09. Diploma/Computer Course from National Institute of Skill Development (NISD) approved from MHRD/Any State Government.

10. Diploma/Computer Course from District Rural Development Agency (DRDA).

11. Diploma/Computer Course from NIELIT (Ministry of IT, Govt. of India).

12. Diploma/Computer Course from any wing of Indian Force (Army/Air Force/Navy).

13. Diploma/Computer Course from ET&T

Corporation Ltd.

14. Computer Diploma issued by a College affiliated/recognized to University (framed under State Act/Central Act).

15. PGDCA issued by University.

16. Three years Diploma in Computer/IT from Polytechnic recognized by Technical Education Department.

Learned State counsel further submits that final results will be declared within one week from the receipt of certified copy of this order.

In view of the above, all the above mentioned writ petitions are disposed of and all the petitioners, who have done their Computer Course from these Institutes, will be considered eligible.”

Admittedly, the State has chosen not to file any appeal against the said decision and accepted the same. As per Clause 5, as noticed by the Learned Single Judge also, Masters Degrees (different nomenclature) in Computer/Computer Engineering/Computer Science/Information Technology/Computer Application etc. from recognized Universities of AICTE/UGC itself been held to be recognized for the purposes of appointment to the post of Mandi Supervisor, as per the decision taken by the appellant-Commission.

It is in such circumstances Learned Single Judge has come to the conclusion that the petitioner possessing the qualification of M.Tech from Punjab Technical University, Jalandhar in the discipline of CAD-CAM, is eligible for consideration.

The State cannot be permitted to blow hot and cold at the same time and choose to contest one set of cases for the same post

whereby it has chosen not to file appeals in a bunch of cases which were decided by the Learned Single Judge which had been disposed of by granting the same relief and similarly situated persons have been considered to be eligible. It is pertinent to notice that out of the bunch of 69 cases, applications for recall of the order dated 14.11.2018 have been filed in only 2 cases and that also by counsel for the petitioners, mainly on the ground they were still not being treated as eligible despite the statement made. Thus, it is apparent that the main order on merits has not been challenged by the State.

The distinction which is sought to be made that the specialization was for a different stream in CAD-CAM is liable to be rejected in view of the wide nomenclature which has been accepted under Clause 5 by the appellant-Commission itself. Therefore, it would not lie in the mouth of the Commission after having taken a decision to the validity of the 6 months certificate of Computer Courses from different operators including Masters Degrees which is a higher qualification than a 6 months course.

In view of the above discussion, no fault can be found in the decision dated 29.05.2020 of the Learned Single Judge. Resultantly, the present Letters Patent Appeal is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

February 3, 2022
Sailesh

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No