

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

LPA No. 744 of 2022 (O & M)

Date of Decision: 30.11.2022

Suraj Mal

.....Appellant(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Vivek Sharma, Advocate,
for the applicant-appellant.

G.S.SANDHAWALIA, J. (Oral)

CM-1778-LPA-2022

Application for condonation of delay of 15 days in filing the appeal is allowed in view of averments made in the application supported by affidavit of the appellant and in view of the nominal delay.

Delay of 15 days in filing the appeal is condoned.

C.M. stands disposed of.

LPA-744-2022

The present letters patent appeal is directed against the order dated 24.05.2022 passed by the learned Single Judge in CWP No. 17052 of 2000, Suraj Mal vs. State of Haryana and others.

The learned Single Judge has dismissed the writ petition on the ground that the writ petitioner-appellant did not possess the requisite qualification as per the advertisement (Annexure P-4) and objection had been raised on 18.02.1999 that he did not possess M.A. in Education/Psychology.

Apparently, the writ petitioner-appellant was not called for interview by the Hayana Public Service Commission for the reasons given.

Objections, if any, were to be raised within 10 days from the date of issuance

of the letter. The writ petitioner-appellant filed objections on 25.02.1999 (Annexure P-5) which were rejected on 16.04.1999 (Annexure P-6) on the ground that reasons of objection had already been conveyed to him. Apparently, the result was also declared on 17.08.1999 (Annexure P-7) after the interviews were held for the 7 posts advertised of the Assistant Employment Officer. Writ petitioner kept on representing instead of challenging the said result and started asking for particulars of the selected candidates, which would be clear from Annexures P-8 and P-9. The writ petition was only filed in the middle of the year 2000 whereby, respondent Nos.4 and 5 were also impleaded who had been duly selected. That was another reason as such with the learned Single Judge to hold that there was delay in approaching the Court while observing that the selection was made in the year 1998, though actually the result was declared on 17.08.1999.

The learned Single Judge declined as such to go into the degree of equivalence as the appellant was having the degree of M.Ed. whereas as per the advertisement, the requirement was Masters Degree in Psychology or Masters Degree in Education with Specification in Vocational Guidance or Masters 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 Masters Degree in Education with Specification in Principles and Techniques of Guidance and Hindi upto Matric Standard.

Firstly, the learned Single Judge was of the view that candidates who had M.Ed. but had not applied in view of the terms of the advertisement and, therefore, the writ petitioner could not be placed at a better pedestal.

Secondly, the learned Single Judge observed that it was within the domain of

experts though both the degrees pertain to the stream of Education but that *per se* did not make them equivalent. It is also to be noticed that the advertisement does not talk about any equivalent degrees and neither it is the case of the writ petitioner-appellant that it was a degree which was equivalent, though he claims that one of the subjects which he had in Paper 6 was Education and Vocational Guidance.

It is, however, admitted that the degree which has been obtained in Masters in Education is a degree of one year whereas the requirement as such, as per the terms of the advertisement, was a Masters Degree in Education which would be a degree of two years. Therefore, it would not as such lie in the mouth of the appellant now to contend that the degree is equivalent. It is also to be noticed that the writ petition had been admitted and a period of more than two decades have passed since the private respondents were appointed and at this stage to grant any relief also by displacing the said persons would be a travesty of justice.

In such circumstances, we are of the considered opinion that the view taken by the learned Single Judge as such is reasonable view and does not suffer from any infirmity in the absence of any equivalency clause. Since the advertisement was very specific and the petitioner had taken a chance as such and applied in pursuance to the same, rejection thereafter made according to the reasons mentioned has accrued in the cause of action. Therefore, in such circumstances being well aware that he did not have the qualification which was advertised, he cannot as such take benefit of the same.

Resultantly, we are of the considered opinion that no case is

made out for interference in the peculiar facts and circumstances of the case

and accordingly the present letters patent appeal stands dismissed.

(G.S. SANDHAWALIA)
JUDGE

30.11.2022
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No