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

**CWP-416-2017
Date of decision: 25.07.2022**

AMAN KUMAR

...Petitioner

VERSUS

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. H. S. Saini, Advocate
for respondent Nos.20, 21, 31, 43, 60 and 74.

JAISHREE THAKUR, J. (Oral)

The petitioner herein applied for the post of Intelligence Assistant in the rank of Constable in the Intelligence Wing of Punjab Police in the category of Scheduled Caste (R&O) pursuant to the advertisement No.1/2016 dated 01.09.2016.

The petitioner herein is aggrieved that his candidature has not been accepted despite having cleared the physical test.

The case as set up by the petitioner is that he was eligible to be appointed as Intelligence Assistant in the rank of Constable in the Intelligence Wing of Punjab Police as he had the qualification of Graduation in Arts and one year advance diploma in Computer Science from an authorized study centre of Lovely Professional University, Jalandhar.

Learned State counsel and learned counsel for the private respondents would contend that there is no infirmity in the action of the respondents-State in not offering appointment to the petitioner herein because he was declared ineligible. It is contended that a bunch of 26 writ petitions were filed, claiming appointment, stand dismissed by this Court in *CWP No.13 of 2017* on *06.06.2019*. The petitioner's therein had claimed the benefit of appointment, which was declined to them as they did not possess an 'O' Level Certificate of Information Technology from Department of Electronics Accreditation of Computer Course (DOEACC) or National Institute of Electronics and Information Technology (NIELIT) or its equivalent institution recognized by the Government of India or any State Government. It is submitted that the petitioner also does not have the necessary qualification.

There is no representation on behalf of the petitioner.

I have heard learned State counsel and learned counsel for the private respondents and have gone through the pleadings of the case.

I find that there is nothing on the record to establish that the certificate as issued by the Lovely Professional University, Jalandhar is equivalent to the 'O' Level Certificate of Information Technology from Department of Electronics Accreditation of Computer Course (DOEACC) or National Institute of Electronics and Information Technology (NIELIT) or its equivalent institution recognized by the Government of India or any State Government other than the bald pleadings.

Admittedly, any certificate issued by the Lovely Professional University, Jalandhar cannot be a substitute for Department of Electronics Accreditation of Computer Course (DOEACC) or National Institute of

Electronics and Information Technology (NIELIT) or its equivalent institution recognized by the Government of India or any State Government. Even the LPA filed against the decision in CWP No.13 of 2017, stands dismissed. It would be appropriate to note that one of the eligibility clause to the advertisement was that all the applicants must be in possession of the said certificate. Since the petitioner herein was declared ineligible to be considered for appointment, primarily on the ground of not having the requisite certificate, there can be no direction issued to offer him the appointment.

Consequently, the instant writ petition is dismissed.

25.07.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>