

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCM No. 4445-LPA-2019 in/and
LPA No. 1956-2019
Date of Decision: 08.12.2022

Manveer

.....Appellant

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWANPresent: Mr. Sanjeev Sharma, Advocate,
for the applicant-appellant.

G.S.SANDHAWALIA, J. (ORAL)CM No. 4445-LPA-2019

By this application, the applicant-appellant seeks condonation of delay of 374 days in filing the appeal, in which the order of the learned Single Judge, dated 09.08.2018 has been challenged.

The averments made in the application would go onto show that a review application was also filed and eventually, the same was also dismissed on 21.08.2019 and thereafter, the present appeal was filed on 17.09.2019.

In such circumstances, we are of the considered opinion that sufficient cause is made out for condoning the delay as the applicant-appellant was prosecuting his legal remedies, in accordance with law.

Consequently, the application is allowed and the delay of 374 days in filing the appeal the present appeal is hereby condoned.

LPA No. 1956-2019

The learned Single Judge while deciding Civil Writ Petition No. 11591-2016, decided the claim as such of the appellant for seeking the promotion to the post of Work Supervisor on the strength of the certificate of the Matriculation from Hindi Sahitya Sammelan, Allahabad, in the year 1990.

Article 14 was also pressed into service on the ground that respondent no. 4 had been promoted on the similar account.

In the order of the learned Single Judge the examination conducted by the said '*Sammelan*', was held not recognized by the Haryana School Education Board, or equivalent with any exam conducted. Reliance was placed on the judgment of the co-ordinate Bench of this Court in **Ram Bhagat Sharma and others** vs. **State of Haryana and others** 1997 (4) RSJ, 134, wherein it has been held that the said '*Sammelan*'/or Hindi Sahitya Sammellan Prayag, had neither been established under an Act of the Parliament or of the State Legislature nor were the said institution by Kurukshetra or Maharishi Dayanand University. Hence, the so-called examination centres being run in the State of Haryana were held to be bogus.

The relevant part of the aforesaid order of the Division Bench reveals as under:-

“The above narration shows that Hindi Sahitya Sammelan, Allahabad, and/or Hindi Sahitya Sammelan, Prayag, Allahabad, have neither been established under an Act of the Parliament or of the

State Legislature nor have they been recognized by Kurukshetra University or Maharshi Dayanand University. The so-called examination centres being run in the State of Haryana appear to be bogus. As per the committee, they are being run in single room or in residences and the students are charged between Rs. 1,500/- and Rs. 6,000/-. These centres are not qualified for coaching Shiksha Vishard students. They receive question paper etc. from Hindi Sahitya Sammelan, Prayag, Allahabad, but thereafter the centres are run independently and full sureties are given to the candidates to get through the examination by securing good marks. It can thus be said that the examinations conducted at these centres are totally farce and the degrees/diplomas/certificate etc. awarded by Hindi Sahitya Sammelan, Allahabad, and/or Hindi Shitya Sammelan, Prayag/Allahabad, on the basis of such examination cannot but be treated as bogus. On the basis of such degrees etc., the petitioners or any other candidate cannot claim eligibility for the purpose of appointment of Hindi Teacher.

*Before completing this part of the judgment, we may refer to the decision of the High Court in **Damyanti vs. Union of India, AIR 1971 SC 966**. In that case, the Supreme Court considered the constitutional validity of the Hindi Sahitya Sammelan Act, 1962, and hence, that the said Act was violative of Article 19 (1) (c) of the Constitution. After that no statute was enacted by the Legislature of Uttar Pradesh conferring statutory status on Hindi Sahitya Sammelan, Allahabad. Thus, it is not possible to hold that Hindi Sahitya Sammelan, Allahabad, and/or Hindi Sahitya*

Sammelan, Prayag, Allahabad, is a body created by statute and, therefore, the degrees/diplomas/certificate etc. awarded by it should be treated as recognized for the purpose of appointment in the service of the Government of Haryana.”

Keeping in view the above facts, it is our considered opinion that once the certificate itself has not been treated as equivalent and the requirement as such as noticed by the learned Single Judge was only the said education qualification and in the absence of the same, no writ of 'mandamus' can be issued to the respondents.

Merely, because some other person has been wrongly promoted, would not give a right as such to the appellant to contend that he is also entitled for similar treatment, since it has been time and again held that Article 14 does not operate as a principle of negative equality. One wrong would not mean that the same has to be perpetuated for all times to come.

In such circumstance, we do not see any reason to interfere in the impugned order of the learned Single Judge.

Consequently, the appeal is dismissed.

(G.S. SANDHAWALIA)
JUDGE

December 08, 2022
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking

Yes

Whether Reportable

No