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

CWP-24826-2021

Date of decision : 22.09.2022

Ravinder Kumar

... Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Aman Pal, Advocate for the petitioner.

Mr. B.R. Mahajan, Senior Advocate with
Mr. Hitesh Pandit, Advocate and
Ms. Nikita Goel, Advocate for the respondents.

Mr. Anant Kataria, DAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the orders dated 11.05.2021 and 05.10.2021 (Annexure P-7 and P-10 respectively) whereby his services have been terminated and the appeal filed thereagainst has been dismissed.

Learned counsel for the petitioner submits that the petitioner was a meritorious candidate and had been duly selected as an Upper Divisional Clerk against the advertisement No.3/2016. His work and conduct during 2 ½ years of service for which he had rendered, was satisfactory. The petitioner had duly obtained the degree of Bachelor of Commerce from EIILM University, Sikkim for the period 2009 to 2011. The University was duly recognized by the UGC and he has referred to a copy of the State-wise list of Private Universities as on 11.09.2015 notified by the University Grants Commission, which is annexed as Annexure P-4. He further submits that the petitioner had also obtained the

higher qualification of M.Com. from Manonmaniam Sundaranar University, Tamil Nadu and therefore, the petitioner was fully eligible and his services could not be terminated. He has relied upon the judgment of the Full Bench of this Court in the case of **Manjit Singh versus State of Punjab and others, 2010(3) SCT 703**. He also submits that in pursuance to the order passed by this Court in CWP No.10045 of 2021, the representation of the petitioner had been decided by respondent No.3 without adverting to the points raised by the petitioner.

Learned counsel for the respondents, while relying on the reply filed by the respondents, submits that the petitioner had appended a copy of the B.Com. degree from EIILM University, Sikkim along with his application form. The respondents had written to the Director, Higher Education, Human Resource Development Department, Government of Sikkim, Gangtok for verification of the degree obtained by the petitioner and they had received a response from the Registrar (IC) EIILMU/Deputy Director, Higher Education, Gangtok stating that the degree is not recognized by the UGC/DEC. A copy of the communication is appended as Annexure R-4 along with the reply. He also submits that the degree of Master of Commerce was done from a study centre in Allahabad (situated outside Tamil Nadu), which is not permissible as per the UGC norms and the foundation degree for doing M.Com. was found to be invalid.

Heard.

The petitioner had applied for the post of Upper Divisional Clerk in pursuance to an advertisement issued by the Haryana Staff Selection Commission in the year 2016 for various posts of UHBVNL/DHBVNL. The

last date for submitting the application was 04.04.2016. The petitioner had submitted his application before the last date and had made a mention of his having qualified the B.Com. Examination from EIILM University, Sikkim for the sessions 2009 to 2011. The essential academic qualification for the post of Upper Divisional Clerk was Bachelor Degree of Commerce with at least 60% marks for general category and 55% marks for SC category candidates of Haryana Domicile from any university recognized by the Government of Haryana. The respondents/DHBVNL, after offering appointment to the petitioner in the year 2018, got the verification done from the Department of Higher Education, Government of Sikkim and the response dated 23.12.2020 (Annexure R-4) is reproduced hereunder:-

'This is submitted for your kind information that B.Com. Degree obtained from EIILM University Sikkim is not UGC/DEC recognized course. As such the enclosed marksheet copies of all the following candidates are not valid/genuine:

1. Jai Bhagwan
2. Suneel Kumar
3. **Ravinder Kumar**
4. Madhulika and
5. Deepak Mittal”

The judgment of the Full Bench of this Court in the case of **Manjit Singh versus State of Punjab and others(supra)**, relied upon by the counsel for the petitioner is not applicable as in that case, the minimum prescribed qualification was Certificate in Physical Education and the candidates, who had done Bachelor and Masters in Physical Education had been rejected. The Full Bench, in such circumstances, had held that the candidates having higher qualification cannot be denied consideration at par with a candidate possessing minimum prescribed qualification.

It is apt to note that it is not necessary for a candidate to have a certificate in Physical Education to be eligible to do Bachelor or Masters in Physical Education. In the instant case, the degree of Bachelor of Commerce which had been obtained by the petitioner is found to be invalid and therefore, the higher qualification i.e. Master of Commerce cannot make petitioner eligible for the said post. The very foundation of the B.Com course is shaky and therefore, the action of the respondents for terminating his services cannot be faulted.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

September 22, 2022
sonia gugnani

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