

121.

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

CWP-26204-2022

Date of Decision: 23.11.2022

SIMERPREET KAUR

.... Petitioner

Versus

PUNJAB POLLUTION CONTROL BOARD AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bhavpreet Singh Dhatt, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

The petitioner herein has approached this Court with several prayers, one of them is for issuance of a writ in the nature of certiorari for quashing advertisements No.2022106 and 2022108, both dated 03.10.2022 Annexures P-1 and P-2 respectively as issued by the Punjab Public Service Commission for 32 posts of AEE Group 'A' to the extent these curtail the right of the petitioner to apply for the posts advertised.

As per the pleadings, the petitioner herein has qualified Bachelors of Science with first division from Guru Nanak Dev University; M.Sc. (Hon.) in Environmental Sciences from Guru Nanak Dev University; M.Phil (Environmental Sciences) from Guru Nanak Dev University, with a degree of Doctor of Philosophy in the faculty of Life Sciences (Environmental Sciences). Having all these degrees, the petitioner claims that she has a right to be considered for appointment under advertisement

No.2022106 wherein the essential qualification has been prescribed as First Class degree in Civil/Chemical/Environment Engineering from a recognized University or Institution; having passed Punjabi in Matriculation examination or its equivalent standard whereas in the second advertisement No. 2022108, the essential qualification has been specified as *atleast 1st Class in three years Diploma in Civil/Environmental or Chemical Engineering from a recognized University/Institution or Degree in Civil/Environmental or Chemical Engineering from a recognized University/Institution*. It is pleaded that having higher qualification such as M.Sc. in Environmental Sciences and a degree in Doctorate of Philosophy in Life Sciences, such qualification should be considered as higher qualification as against a degree in Civil/Chemical/Environmental Engineering. The petitioner has applied provisionally, however, she apprehends that her application would be rejected. It is also argued that the Court is competent to go into the question of equivalence of the degrees and, therefore, should refer the matter to an Expert Committee.

Counsel for the petitioner would rely upon *Navjiwan Versus State of Punjab and others, 2015(3) SLR 87; Manjit Singh Versus State of Punjab, 2010(3) SCT 703* and *Jyoti K.K. and others Versus Kerala Public Service Commission, 2010(15) SCC 596* in support of the contentions raised.

Notice of motion.

On the asking of the Court, Ms. Deepali Puri, Additional Advocate General, Punjab, accepts notice on behalf of respondents No.2 and 3. Mr. Sandeep Khunger, Advocate, who represents PPCB and is present in Court, accepts notice on behalf of respondent No.1-PPCB.

This Court is not competent to go into the question whether the degrees of the petitioner are sufficient to entitle her to apply under the said advertisements, or to treat them as equivalent. Since the petitioner has already made a representation to the respondents as would be evident from Annexure P-4, this Court would deem it appropriate to direct the respondents to take a decision on the said representation. There being an urgency in the matter since the selection process is likely to be concluded, this matter can be disposed of leaving the issue to be decided by the authorities concerned.

Accordingly, without commenting on the merits of the case, since the representation is already pending with the respondents, the writ petition is disposed of with a direction that the instant writ petition itself shall be taken up in continuation of the representation already filed and a decision shall be taken by the respondents within a period of three weeks from today. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

(JAISHREE THAKUR)
JUDGE

23.11.2022

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