

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6817-2023 (O&M)
Date of decision : May 17, 2023

Akshay Kumar and others
..... Petitioners
Versus

State of Punjab and others
..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Piyush Setia, Advocate
for the petitioner.

Mr. Aman Dhir, DAG., Punjab.

PANKAJ JAIN, J. (ORAL)

1. The petitioner herein has impugned result Annexure P-12 qua selection to the post of Supervisor (Horticulture) claiming that the same is in the teeth of the qualification prescribed in the public notice whereby the applications dated 18.05.2022 (Annexure P-1) were invited.
2. The main thrust of the argument raised by the learned counsel for the petitioner is that the public notice provided the essential qualification as under:-

S.No.	Name of Post	Educational Qualification
1.	Supervisor (Horticulture)	Should possess atleast 10+2 Educational Qualification and Certificate in Gardening Training in Horticulture or in Agriculture from a recognized University/Institution.

The same is the rule position as prescribed in Schedule III to the Statutory rules

framed under Article 309 of the Constitution of India which reads as under:-

Designation of Post			Promotion		Direct recruitment	Deputation
Supervisor (Hort)		100%	-		Should possess atleast 10+2 Educational Qualification and certificate in Gardening Training in Horticulture or in Agriculture from a recognised University/ Institution	-

The candidates appointed though are in possession of higher qualification but are not certificate holders in Gardening Training in Horticulture or in Agriculture from a recognized University/Institution. He thus, submits that the candidates selected though, are in possession of the higher qualification but are not in possession of the exact qualification as prescribed under the rules.

3. I have heard learned counsel for the petitioner and have gone through the record of the case.
4. Admittedly, the rules as well as the public notice prescribes the minimum qualification. The issue with respect to the appointed candidates being in possession of higher qualification when the rule prescribes for minimum qualification is no more res integra and has been answered by the Apex Court in the case of **Puneet Sharma and others Vs. Himachal Pradesh State Electricity Board Ltd.and another reported as 2021 AIR (Supreme Court) 2221** holding as under:-

“29. In the present case, what is evident from the rules is that direct recruitment to the post of JES in HPSEB is to the extent of 72%. Undoubtedly, eligibility is amongst those who passed in matriculation or 10+2 or its equivalent qualification. However, this Court is of the opinion that the diploma holders' contention that the minimum

qualification is matriculation and that the technical qualification is diploma is incorrect. The minimum qualification for the post cannot be deemed to be only matriculation but rather that only such of those matriculates, or 10+2 pass students, who are diploma holders would be eligible. The term "with" in this category has to be read as conjunctive."

5. In view of the above, I do not find any ground to interfere in the present writ petition. Accordingly, the same is dismissed.

May 17, 2023
archana

Whether speaking/reasoned
Whether Reportable :

Yes
No

(PANKAJ JAIN)
JUDGE