

2023:PHHC:106582

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(114)

CWP-8864-2023  
Date of Decision : August 17, 2023

Vijender and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

(110)

CWP-4892-2022

Manoj Sharma and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

(110-2)

CWP-19919-2022

Radhika and another

.. Petitioners

Versus

State of Haryana and others

.. Respondents

(110-3)

CWP-5203-2022

Karmvir Singh and others

.. Petitioners

Versus

State of Haryana and another

.. Respondents

(110-4)

CWP-5549-2022

Hardeep Singh and another

.. Petitioners

Versus

State of Haryana and others

.. Respondents

|                                         |               |                |
|-----------------------------------------|---------------|----------------|
| CWP-8864-2023 and other connected cases |               | 2              |
| (110-5)                                 | CWP-6422-2022 |                |
| Pradeep Kumar                           |               | .. Petitioner  |
| Versus                                  |               |                |
| State of Haryana and another            |               | .. Respondents |
| (110-6)                                 | CWP-5037-2022 |                |
| Sanjeev Kumar and others                |               | .. Petitioners |
| Versus                                  |               |                |
| State of Haryana and others             |               | .. Respondents |
| (110-7)                                 | CWP-5223-2022 |                |
| Ajay                                    |               | .. Petitioner  |
| Versus                                  |               |                |
| State of Haryana and another            |               | .. Respondents |
| (110-8)                                 | CWP-5221-2022 |                |
| Sapender Kumar                          |               | .. Petitioner  |
| Versus                                  |               |                |
| State of Haryana and another            |               | .. Respondents |
| (110-9)                                 | CWP-8544-2022 |                |
| Pawan Choudhary                         |               | .. Petitioner  |
| Versus                                  |               |                |
| State of Haryana and another            |               | .. Respondents |
| (111)                                   | CWP-5485-2022 |                |
| Lila Dhar                               |               | .. Petitioner  |
| Versus                                  |               |                |
| State of Haryana and others             |               | .. Respondents |

|                                         |                |                |
|-----------------------------------------|----------------|----------------|
| CWP-8864-2023 and other connected cases |                | 3              |
| (111-2)                                 | CWP-4966-2022  |                |
| Suresh and others                       |                | .. Petitioners |
| Versus                                  |                |                |
| State of Haryana and another            |                | .. Respondents |
| (111-3)                                 | CWP-11740-2022 |                |
| Sandeep                                 |                | .. Petitioner  |
| Versus                                  |                |                |
| State of Haryana and others             |                | .. Respondents |
| (111-4)                                 | CWP-5225-2022  |                |
| Amit and others                         |                | .. Petitioners |
| Versus                                  |                |                |
| State of Haryana and another            |                | .. Respondents |
| (111-6)                                 | CWP-10954-2022 |                |
| Sarjent Kumar                           |                | .. Petitioner  |
| Versus                                  |                |                |
| State of Haryana and others             |                | .. Respondents |
| (111-7)                                 | CWP-8774-2022  |                |
| Amit Ahlawat                            |                | .. Petitioner  |
| Versus                                  |                |                |
| State of Haryana and another            |                | .. Respondents |

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| CWP-8864-2023 and other connected cases |                | 4              |
| (111-8)                                 | CWP-8954-2022  |                |
| Amarjit Singh                           |                | .. Petitioner  |
| Versus                                  |                |                |
| State of Haryana and others             |                | .. Respondents |
| (111-9)                                 | CWP-5738-2022  |                |
| Rajan Mehta                             |                | .. Petitioner  |
| Versus                                  |                |                |
| State of Haryana and others             |                | .. Respondents |
| (111-10)                                | CWP-11761-2022 |                |
| Rohit Kumar                             |                | .. Petitioner  |
| Versus                                  |                |                |
| Haryana Staff Selection Commission      |                | .. Respondents |
| (111-11)                                | CWP-7276-2022  |                |
| Anil                                    |                | .. Petitioner  |
| Versus                                  |                |                |
| State of Haryana and another            |                | .. Respondents |
| (112)                                   | CWP-5878-2022  |                |
| Ashish Panwar and others                |                | .. Petitioners |
| Versus                                  |                |                |
| State of Haryana and another            |                | .. Respondents |

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| CWP-8864-2023 and other connected cases |               | 5              |
| (112-3)                                 | CWP-5996-2022 |                |
| Ravinder Singh and another              |               | .. Petitioners |
| Versus                                  |               |                |
| State of Haryana and others             |               | .. Respondents |
| (112-4)                                 | CWP-5354-2022 |                |
| Vikas                                   |               | .. Petitioner  |
| Versus                                  |               |                |
| State of Haryana and another            |               | .. Respondents |
| (112-6)                                 | CWP-5214-2022 |                |
| Harinder                                |               | .. Petitioner  |
| Versus                                  |               |                |
| State of Haryana and another            |               | .. Respondents |
| (112-8)                                 | CWP-7288-2022 |                |
| Simran                                  |               | .. Petitioner  |
| Versus                                  |               |                |
| State of Haryana and another            |               | .. Respondents |
| (112-9)                                 | CWP-7175-2022 |                |
| Shivam                                  |               | .. Petitioner  |
| Versus                                  |               |                |
| State of Haryana and another            |               | .. Respondents |

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sunil Kumar Nehra, Advocate, for the petitioners  
in CWP-8864-2023, CWP-4892-2022, CWP-5485-2022 and  
CWP-5037-2022.

Mr. Sushil Sheoran, Advocate, for the petitioners  
in CWP-19919-2022.

Mr. Amandeep, Advocate and  
Mr. Parvinder Moar, Advocate, for the petitioners  
in CWP-5203-2022, CWP-5225-2022, CWP-5221-2022,  
CWP-6422-2022, CWP-5223-2022 and CWP-8774-2022.

Mr. Sudhanshu Makkar, Advocate, for the petitioners  
in CWP-5549-2022.

Mr. Sharad Choudhary, Advocate, for the petitioner  
in CWP-8544-2022.

Mr. Ravinder Singh Dhull, Advocate, for the petitioners  
in CWP-4966-2022.

Mr. Deepak Kundu, Advocate, for the petitioner  
in CWP-11740-2022.

Mr. Gurminder Singh Salana, Advocate, for the petitioners  
in CWP Nos.10954 and 8954 of 2022.

Mr. Karan Singh, Advocate, for the petitioner  
in CWP-5738-2022.

Mr. Krishan Singh, Advocate, for the petitioner  
in CWP-11761-2022.

Mr. H.N. Sahu, Advocate, for the petitioner  
in CWP-7276-2022.

Ms. Jagriti Sangwan, Advocate, for  
Mr. Anand Kumar Bishnoi, Advocate, for the petitioners  
in CWP-5878-2022, CWP-7288-2022 and CWP-7175-2022.

Mr. Pardeep Sehrawat, Advocate, for the petitioners  
in CWP-5996-2022.

Mr. Amarjit Beniwal, Advocate, for the petitioners  
in CWP-5354-2022.

Mr. Mazlish Khan, Advocate, for the petitioners  
in CWP-5214-2022.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Mr. Tapan Kumar Yadav, Deputy Advocate General, Haryana.

Mr. Ravi Sharma, Advocate, for respondent No.4-UGC  
in CWP No.8864-2023.

Mr. R.K. Malik, Sr. Advocate, with  
Mr. Sachmeet Singh Randhawa, Advocate,  
for respondent No. 4 to 9 in CWP No.4892 of 2022.  
Mr. Jasbir Mor, Advocate, for respondent No.10  
in CWP No.4892 of 2022.  
Mr. D.S. Nalwa, Advocate with  
Mr. B.S. Patwalia, Advocate, for respondents No. 11 to 27  
in CWP-4892-2022.

Mr. Anil Ghanghas, Advocate, for  
Mr. Tushar Sabherwal, Advocate, for respondent No.4  
in CWP No.5549 of 2022.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. By this common order, a bunch of writ petitions, the details of which have been given in the heading, are being disposed of as all the writ petitions relates to the same selection and qua the same post and involve similar facts.
2. The Haryana Staff Selection Commission issued an Advertisement No.15/2019 dated 07.09.2019 advertising various posts. Under category No.6, 197 posts of Radiographer/Ultra Sound Technician were advertised by the Commission. As per the advertisement, for the said posts, essential qualifications were: (1) Matric with Science (Physics and Chemistry) (2) Radiographer's diploma from Medical College, Rohtak or any other institution and (3) Hindi/Sanskrit as one of the subject in Matriculation or Higher.
3. Further, as per Note 17 given in the advertisement, the candidates who were having degrees/diploma/certificates from Board/Institution/University, which are not recognized by the Government of Haryana, will not be eligible.
4. The selection for the post in question was to be made on the basis of the written examination. Out of total 100 marks allocated for the

selection process, 90 marks were for the written test and 10 marks for the candidates who were entitled for benefits under the Socio-Economic policy issued by the Government of Haryana.

5. As per the advertisement, the candidates applying were to be allowed to appear in the written examination but their eligibility was to be ascertained thereafter during the scrutiny of the documents and during the scrutiny, the candidates, who were found to be not fulfilling the essential qualification, were to be ousted from the zone of consideration.

6. The petitioners herein are the ones, who applied for the post of Radiographer/Ultra Sound Technician and have appeared in the written examination but have been ousted from the zone of consideration during scrutiny of documents on the ground that they did not had essential qualification envisaged under the advertisement. The said decision of the respondents is under challenge in the present petitions so as to claim the eligibility for consideration for the post of Radiographer/Ultra Sound Technician.

7. Learned counsel for the petitioners have raised an argument that the candidates who were having diploma but still have been declared ineligible on the ground that their diploma is from Board/University/Institution not recognized by the Government of Haryana hence, they are to be treated ineligible.

8. Learned counsel for the petitioners argue that there is no specific order which existed on record upto the last date of ascertaining eligibility with regard to a particular institution being declared as not recognized by the Government of Haryana, hence, in order to verify as to whether the qualification of diploma being possessed by the petitioners is from a recognized institution or not is to be assessed under the instructions

which have been issued by the Government of Haryana dated 18.03.1975.

9. Learned counsel for the petitioners submits that under the said instructions dated 18.03.1975, any qualification which has been obtained from a Government institution or a statutory body or a University, the same is envisaged as deemed recognition by the State of Haryana. The qualification which have been recognized by the Government of India is also ipso facto deemed to be recognized by the Government of Haryana. Hence, keeping in view the said instructions dated 18.03.1975, the diploma which have been obtained by the petitioners, are covered under clause 2 of the instructions dated 18.03.1975 to be treated as obtained from a recognized institution so as to treat the petitioners eligible for competing for the post in question.

10. Learned counsel for the respondents submit that the argument which is being raised by the learned counsel for the petitioners by placing reliance upon instructions dated 18.03.1975 is misplaced as only the qualification which have been obtained from a Government institution situated within the State of Haryana is to be treated as ipso facto recognized under the said instructions dated 18.03.1975. Hence, the claim of the petitioners by placing reliance upon the instructions dated 18.03.1975 is misplaced and is liable to be rejected.

11. Qua the said issue raised in these petitions, it may be noticed that the relevant qualification mentioned for eligibility for the post in question as per the advertisement is Radiographer's diploma from Medical College Rohtak or any other institution. Further, as per Note 17 qualification required to be eligible should be from a recognized institution, duly recognized by the State of Haryana, hence, which qualification is obtained from a recognized institution, is to be seen in light of instructions

dated 18.03.1975.

12. The said instructions dated 18.03.1975 have already been interpreted by this Court more than once.

13. A Division Bench of this Court while passing order in ***CWP No.12187 of 2006 titled as Sunil Kumar and others vs. State of Haryana and others, decided on 01.11.2006***, decided the same question as to whether, an institution which is covered under clause 2 of the instructions dated 18.03.1975 is to be treated as recognized institution ipso facto or not. Though the case related to the State of Haryana but the question posed before this Court was whether the diplomas which were issued by the Punjab Government or the institute which has been recognized by the Punjab Government, is as a valid diploma issued by an institution recognized by the State of Haryana. The Division Bench of this Court after interpreting the instructions of Government dated 18.03.1975 held that keeping in view clause 2 of the said instructions, a diploma which has been awarded by a University, High/Higher Secondary Boards established by the State Governments is to be ipso facto recognized. The diploma obtained by the candidate, in the said case, was recognized by the Department of Health Services and Family Welfare, Punjab and the said qualification certificate recognized by the Government of Punjab, was held to be a valid qualification under clause 2 of the Government instructions dated 18.03.1975 to be treated as a recognized qualification by the State of Haryana. The relevant paragraph of the judgment in ***Sunil Kumar's case (supra)*** is as under:-

*“4. After hearing learned counsel for the parties, we are of the considered view that the instant petition deserves to be allowed. The respondent-State has framed rules for regulating the recruitments and conditions of service of persons to be*

*appointed to Haryana Health Department Multi Purpose Health Supervisors and Multi Purpose Health Workers Group 'C' Service. According to Rule 7, the qualification and experience for appointment to the post of Multi Purpose Health Workers (Male) have been specified in Appendix 'B'. Entry No.3 deals with the qualification which provides that a person is required to be matriculate and he must have knowledge of Hindi upto the matric standard. The other qualification prescribed is that such a person must have Multi Purpose Health Training Course from an institution approved by the Government. According to the instructions dated 18.3.1975 (Annexure P-3), degrees and diplomas awarded by the Boards established by State Govt. ought to be ipso facto recognized. The instructions further provides that if any department of any State through certificate/diploma on the basis of an examination which makes him eligible for appointment to Haryana State then the concerned department is required to see the period of such qualification and its syllabus to compare with the certificate/diploma of the Haryana State. Once it is found that such a course/certificate deserves to be recognized then circulation to all the departments is required to be effected for further necessary action. The aforementioned position becomes evident from the reading of Clause IV of instructions dated 18.3.1975 (Annexure P-3). According to the instructions issued on 2.11.1999 (Annexure P-18), it is stipulated by the concluding para of the instructions that while imparting recognition/examination for the respondents State of Haryana for the purposes of recruitment etc. the opinion of the State Universities or School Education Board or the Technical Education Board as the case may be must be sought. A perusal of the written statement filed by respondent Nos.1 and 2 as well as short reply filed by respondent No.3 does not show that certified course obtained by the petitioner from the department of Health Service Family Welfare Punjab does not fulfill the requirement of equivalence or that it was ever subjected to any such scrutiny by the respondent. The copies of the certificate*

*passed by the petitioner have been placed on record as Annexures P4 & P-5 alongwith detailed marks card Annexure P-6. These instructions were issued by the respondent-State on the direction issued by Division Bench of this Court in case of Ram Bhagat etc. v.State of Haryana and othes (CWP No.16320 of 1996 decided on 16.7.2006, Annexure P16). The impugned order passed by respondent No.3 i.e. Haryana State of Selection Commission rejecting the eligibility of the petitioner merely on the basis that certificate has been obtained by him from the department of Health Services Family Welfare, Punjab which is not issued by an approved institute. Such a decision is wholly without application of mind and has to be regarded as arbitrary. It cannot be sustained on the touch stone of Articles 14 and 16(1) of the Constitution. The certificate has been issued by a department of Punjab Govt. which according to instructions dated 18.3.1975 (P-3) has to be regarded as recognized. It is appropriate to refer to Clause 2 of the instructions which reads as under:-*

*“Degree and diplomas etc. awarded by recognized Universities and High/Higher Secondary boards established by State Governments will be ipso facto recognized.”*

*5. According to the aforementioned Clause, a diploma awarded by the University/High/Higher Secondary Board established by State Govt. is to be ipso facto recognized. The diploma issued in the instant case is C.W.P.No.12187 of 2006 not only recognized but has been issued by the department of Health Services and Family Welfare, Punjab. Such a certificate, on the spirit of the aforementioned instructions cannot be brushed aside. Moreover, respondent No.3 was not competent to take a decision as to whether such a diploma/certificate has been issued by an approved institute or not. Even effort has not been made to get the diploma/certificate evaluated from any of the institution as per instructions issued. However, on examination of the material placed on record, we have found that the diploma recognized by the respondent-State is of one and half year duration and its syllabus, contents are also*

*similar. Therefore, we are of the view that the writ petition deserves to be allowed.”*

14. A bare perusal of the above reproduction would show that even the qualification issued by the Government of Punjab were held to be covered under clause 2 of the instructions dated 18.03.1975, hence, the argument of the State counsel that the word “State Government” will only mean that the qualification recognized by the Government of Haryana, cannot be accepted. As per the judgment of the Division Bench of this Court in ***Sunil Kumar’s case (supra)***, if the qualification is recognized by any State Government or has been issued by a University/ High/Higher Secondary Boards established by a State Governments, the same will stand recognized ipso facto under clause 2 of the instructions dated 18.03.1975.

15. Learned counsel for the respondents have not been able to rebut the said settled principle of law which also related qua the recognition of qualification keeping in view the Government instructions dated 18.03.1975 in the State of Haryana. Similar objection raised has already been negatived by the Division Bench of this Court. Hence, any diploma which is presented to the respondents and has been issued by the State Government or has been recognized by the State Government or has been issued by the University or High/Higher Secondary Boards established by any State Governments, the same will stand ipso facto recognized by the Government of Haryana under the instructions dated 18.03.1975 even qua the present advertisement. Argument that State Government means Haryana Government is not correct interpretation by the State especially in view of the judgment in ***Sunil Kumar’s case (supra)*** and cannot be accepted.

16. As a caveat, it may be noticed that in case any qualification obtained from a particular institution which though at one given point of

time has been recognized by a particular State but the said recognition has been later on withdrawn, will not be treated as valid qualification from the date the said qualification stands withdrawn by a particular State qua the said institution. Hence, qua the candidates in these petitions, who are having a diploma either issued by any of the State Government or by an institution which has been recognized by the State Government or the University or the High/Higher Secondary Board of the State Government, the same will be treated as valid qualification for the purpose of present advertisement by implication of the instructions dated 18.03.1975, which concededly are in force even as of now and the respondents will consider the claim of each of the petitioners, who has presented his/her diploma in the light of the finding recorded in this order and law settled in ***Sunil Kumar's case (supra)*** and thereafter, pass appropriate order with regard to the eligibility of the said candidate so as to compete for the post in question. In case any diploma submitted by a candidate is not found recognized by the respondents, detailed order citing reasons will be passed within a period of four weeks of the receipt of copy of this order. Candidates, who are found eligible, will be given further consideration in the selection process according to the merit obtained by them, even if the revised merit list is to be issued.

17. Learned counsel for the petitioners submits that though some of the petitioners have diplomas to their credit but those diplomas have been described as “certificate” by the institute from where the qualifications have been obtained by the petitioners hence, they are also liable to be treated as eligible by treating those “certificate” as “diplomas” for the purpose of present advertisement.

18. Before proceeding further, it is once again noticed that the requirement under the advertisement is a diploma in a particular field. It is also a conceded position that apart from the diploma, certain institutes are also awarding certificates in the said field.

19. Once, an employer while advertising the post has issued certain essential qualifications for the candidates to be eligible to compete for the advertised posts, the Court cannot interfere in interpreting the said qualifications which the employer thinks as necessary and pre-requisites for the candidates who intends to compete.

20. The arguments being raised by the learned counsel for the petitioners that the qualification which the petitioners have, which has been described as a certificate by the issuing authority, be treated as diploma, cannot be accepted. Once, the diploma as well as certificates are issued in Radiography by different Universities/Institutions etc, the requirement of the employer as mentioned in the advertisement needs to be satisfied in order to become eligible for the post in question. In the present case, the petitioners, who have been issued a certificate by the institution cannot claim that said “certificate” be read as “diploma”. Court is not an expert to give a finding that a “certificate” awarded to a candidate in a particular field by the institution concerned should be treated as diploma. Once employees know that two types of qualifications exist in a particular field and employer want only a diploma holder to be eligible, Court cannot impose the candidates having qualification of ‘certificate’ in the said field to be treated as eligible. The qualification that they have a certificate in the field and not the diploma, hence, the argument of the learned counsel for the petitioners that their certificate should be treated as diploma keeping in view the curriculum which they have undergone while obtaining the qualification,

cannot be accepted.

21. Further, the arguments which have been raised by the learned counsel for the petitioners will amount to grant equivalence to a “certificate” with diploma and that too by this Court which does not have any expertise to grant the said benefit. The grant of said equivalence is beyond the jurisdiction of this Court and the same lies only within the domain of the experts of the said subject.

22. It may be noticed that Coordinate Bench of this Court, on the previous occasion while hearing the present bunch of petitions, directed the Government to apprise this Court as to whether or not, the claim of the petitioners that the “certificate” which they obtained in Radiography can be treated as equivalent to that of diploma and a report has already been given by the subject expert giving the opinion that the said certificate in Radiography cannot be treated as diploma. Though, this Court is not going on the said evaluation of the Committee but on the first principle that once a particular qualification is required for and there is no clause that the candidate having equivalent qualification can also be treated as eligible, this Court cannot grant the said benefit to a candidate who only has a “certificate” in the said field by treating the said certificate either equivalent to diploma or treating the same as diploma. Hence, this Court cannot grant the benefit as being prayed by some of the petitioners to treat their qualification as diploma especially when the employer knows qua the best suited qualification for selection/appointment the post in question keeping in view the duties of the said post. In the present case, respondents are contesting the claim of the petitioners that the qualification which they have to their credit i.e. ‘Certificate’ in Radiography, is not commensurate to the diploma in Radiography, which qualification has been sought in the

advertisement.

23. Keeping in view the settled principle of law, the equivalence of qualification of certificate and diploma is beyond the jurisdiction of this Court and cannot be gone into by this Court under any circumstances, hence, once the plain reading of the advertisement makes it clear that Radiographer's diploma from Medical College Rohtak or any other institution which has been recognized by the State of Haryana, was the requirement, any candidate having certificate in the said field, cannot be treated having a diploma so as to make him/her eligible for the purpose for competing for the present advertisement.

24. Learned counsel for the petitioners argues that in the present case, some of the petitioners were initially treated eligible even on the basis of qualification of certificate but it was thereafter in the second scrutiny, they were found ineligible and in fact, they have been treated ineligible on the basis of the report of the Committee, which has been constituted by this Court whereas, the report of the said Committee cannot be relied upon for declaring the petitioners ineligible.

25. Learned counsel for the petitioners submits that in the present case, the contention of the State is not that the petitioners are not eligible but they are only being declared ineligible on the basis of the recommendation of the Committee which was formed by this Court and therefore, once as per the respondents, the petitioners were initially found eligible, merely upon recommendation of the Committee, they cannot be declared as ineligible. In fact, the said argument has been raised against the facts. Though, in the first scrutiny, the petitioners were found eligible but the Commission on their own in the second scrutiny, found the petitioners ineligible keeping in view the fact that the petitioners have ITI certificate

instead of diploma which was the requirement under the advertisement. It is also a conceded position that the final result of the selection was declared on 07.03.2022 whereas, the Committee was formed after the petitioners had approached this Court vide order dated 10.08.2022 hence, raising an argument that the petitioners have been declared ineligible on the basis of the report of the Committee, which was formed by this Court, is factually incorrect and cannot be accepted. Hence, no relief can be granted on this aspect also.

26. Even otherwise, this Court is not in a position to evaluate as to the report given by the Expert Committee even qua the equivalence of the qualification being held by the petitioners as compared to the diplomas which is required under the advertisement and no findings can be recorded. The Committee which consisted of the experts in the field concerned, have given those recommendation wherein, even the equivalence of the qualification being held by the petitioners with that of a diploma which is required under the advertisement, has been declined.

27. As per the settled principle of law settled in ***Civil Appeal No.6045 of 2008 titled as B.C. Mylarappa alias Dr. Chikkaomylarappa vs. Dr. R. Venkatsubbaiah and others, decided on 03.10.2008***, the opinion of the expert cannot be interfered with by the Court which has no expertise to evaluate hence, the claim of the petitioners that the report given by the Expert Committee is without evaluating all the factual aspects and is liable to be rejected, cannot be accepted and is accordingly rejected.

28. No other argument was raised.

29. Keeping in view the above, the writ petitions wherein, the petitioners namely Sudhir in CWP-5203-2022, Vikas in CWP-5037-2022, Lila Dhar in CWP-5485-2022, Suresh, Mohit Dharmender and Amit in

CWP-4966-2022, Shalender in CWP-5878-2022, Amarjit in CWP-11740-2022, Sarjent in CWP-10954-2022, Sandeep in CWP-8954-2022, Rajan Mehta in CWP-5738-2022, Rohit in CWP-11761-2022, Anil in CWP-7276-2022 and Anil in CWP-5354-2022 are claiming to have diploma and are claiming eligibility under the instructions dated 18.03.1975, are being disposed of with a direction to the respondents to re-consider the claim of the above mentioned petitioners under Clause 2 of the instructions dated 18.03.1975 so as to decide the acceptance of the diploma being possessed by them and pass appropriate orders within a period of four weeks of the receipt of copy of this order qua their eligibility by keeping in mind the findings recorded in the present order and in case after the decision, any of the petitioner whose name has been mentioned hereinbefore is found eligible qua the qualification held by the said petitioner, he/she be considered eligible and in case, the merit list needs to be revised, the same be also done accordingly with further consequential benefit. In case, claim of any petitioner mentioned hereinbefore, having diploma, is to be rejected by the respondents as not covered by the instructions dated 18.03.1975, appropriate speaking order be passed within a period of two months.

30. The writ petitions qua the rest of the petitioners where the petitioners have only a “certificate” and not diploma, the same are dismissed keeping in view the reason given hereinbefore that their eligibility has rightly been declined by the respondents keeping in view the qualification mentioned in the advertisement.

**August 17, 2023**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

Whether speaking/reasoned : Yes  
Whether reportable : Yes