

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-4547-CWP-2018 in/and
CWP No.15541 of 2008 (O&M)
Date of Order:04.05.2023

Harwinder Singh and another

.Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.P.S.Aulakh, Advocate
for the petitioners.

Mr. D.K.Singal, Addl.A.G., Punjab

ANIL KSHETARPAL, J

C.M.No.4547-CWP-2018

1. With the consent of the learned counsels representing the parties, the writ petition is taken on Board for final disposal.

MAIN

2. This writ petition survives only qua petitioner no.1 in view of the statement of the learned counsel representing the petitioners recorded on 19.04.2023.

3. The petitioner prays for the issuance of a writ in the nature of mandamus to direct the respondents to consider and appoint the petitioner as a Physical Training Master(D.P.E.).

4. As per the recruitment notice, the candidate is required to possess the following minimum qualification:-

*“Graduation from a recognized University with training
in advance physical training course degree or diploma.”*

5. The petitioner has possessed Bachelor in Physical Education and thereafter, did his masters in the same field.

6. The writ petition is being contested by the respondent-State on the ground that the petitioner, though may be treated as Graduate from a recognized University, but he does not possess Degree or Diploma training in advance physical education course. Though, a copy of the reply to the miscellaneous application filed by the State is not available, however, the learned counsel representing the State has produced a copy thereof, correctness whereof is not disputed by the learned counsel representing the petitioner no.1. Along with the aforesaid reply, an expert opinion regarding equivalency of qualification in the discipline of Physical Education is attached as Annexure R-4, which is taken on record. It is the stand of the State that since the petitioner has not passed the degree or diploma with training in advance training course, hence, he is not eligible.

7. On the other hand, the learned counsel representing petitioner no.1 contends that once the petitioner did his masters in Physical Education, he completed the training and advance physical training.

8. This Court has considered the submissions of the learned counsels representing the parties while going through the paper book.

9. The scope of judicial review in the matters relating to equivalency of qualification is limited. The writ court normally is not expected to enter into this arena particularly in view of the limitations of knowledge and exposure. Though, the arguments of the learned counsel representing the petitioner appears to be attractive, however, keeping in view the scope of jurisdiction, this court does not find it appropriate to issue any

writ particularly when the recruitment notice was issued in the year 2007 and the petitioner is now nearly 48 years old.

10. Hence, dismissed.
11. All the pending miscellaneous applications, if any, are also disposed of.

May 04, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Whether reportable

:YES/NO

:YES/NO