

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

CWP-12951-2020 (O&M)
Date of decision: 21.02.2023

Dhanwant Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Amarpreet Singh, Advocate for the petitioner

Mr. R.K. Kapoor, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner prays for the issuance of a writ in the nature of Certiorari to quash the order/public notice dated 4th June, 2019 through which the petitioner's candidature for the post of Assistant Director/Principal Junior Scale has been rejected as he was not found possessing the requisite qualification for the post.

2. The relevant facts, in brief, are required to be noticed. The recruitment notice was issued on 15th June, 2018, inviting applications for the post of the Assistant Director Industrial Training/Principal Junior Scale Industrial Training Institution/ Manager Government Work Centre. As per class 4 of the recruitment notice, the essential qualifications required for the aforesaid post were as under:-

Assistant Director, Industrial Training/ Principal Junior Scale Industrial Training Institution/ Manager Government Work Centre	(i) Degree in Engineering/ Technology in any discipline or its equivalent from a recognized University or Institution; and (ii) Three years experience in a workshop or Industry or Factory registered under the Factories Act, 1948, or three years teaching experience in Government recognized technical Institution Or should have (i) Diploma in Engineering or Technology in any discipline from a recognized institution; and (ii) Six years experience in a workshop or Industry or Factory registered under the Factories Act, 1948 or six years teaching experience in a Government recognized technical institution.
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3. The petitioner holds a Masters degree in Computer Application (MCA). He claims that the All India Council of Technical Education (hereinafter referred to as ‘AICTE’) equated the master degrees in Computer Application as equivalent to BE/B.Tech Computer Engineering. Hence, his candidature has been wrongly rejected by the appointing authority.
4. While filing the written statement, the respondents have claimed that AICTE has treated the Master degrees in Computer Application as equivalent to BE/B.Tech Computer Engineering for the purpose of employment for position where knowledge and skill in the sphere of Computer Science or its application is involved.
5. Heard the learned counsel representing the parties at length

and with their able assistance perused the paperbook. Learned counsel representing the petitioner contends that previously also a similar recruitment notice was issued in which the petitioner submitted his application, however, his candidature was rejected on the ground of lack of sufficient experience and his candidature was never rejected on the ground that he is not qualified. He submits that now the respondents are estopped from questioning the qualification of the petitioner. He submits that in the recruitment notice it has not been specified that the post in question is a non teaching post. Hence, the qualification of the petitioner is required to be considered equivalent to B.E/ BTech in Computer Engineering. He relies upon a Division Bench judgment of this Court in **Ashok Kumar vs Haryana State Staff Selection Commission Haryana 2002 (3) SCT 572.**

6. This Court has considered and analyzed the submission of the learned counsel representing the parties and examined the paperbook. It is evident from reading of the clause 4 of the recruitment notice that in the column that describes the essential qualifications, it has been provided that a candidate must possess a degree in Engineering Technology in any discipline or its equivalent from a recognised University or Institute. Undoubtedly, AICTE has declared that Masters degree in Computer Application is equivalent to B.E/ BTech in Computer Application only with respect to the employment for a position in the sphere of Computer Application only. In such circumstances, the petitioner's claim that he possesses the required qualification for the aforesaid post is not correct and valid. As regards argument of the

learned counsel representing the petitioner on application of rule of estoppel, it may be noticed that each recruitment notice is required to be examined independently. Moreover, previously also the petitioner's candidature was rejected by the appointing authority. The respondent never give any assurance to the petitioner that he will be considered eligible once he fulfills the required experience. In the absence thereof, the petitioner cannot be permitted to invoke the doctrine of estoppel.

7. With regard to the second argument, it may be noticed that by issuing a recruitment notice, the respondents have not specified that the post is for teaching in the area of Computer Application. In these circumstances, there is no substance in the submission of the learned counsel representing the petitioner. His submissions hold no firm ground.

8. This Court has gone through the judgment passed by the Division Bench in **Ashok Kumar's case (supra)**. In that case, the Court opined about the requirement of experience whereas in the present case the candidature of the petitioner has been rejected as he does not possess the requisite qualification as required for the post. Hence, the judgment in **Ashok Kumar's case (supra)** is not applicable to the facts of the present case. Finding no merit, the present petition is dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

21.02.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE