

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

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CWP No.10367 of 2015 (O&M)

Date of decision:09.03.2023

Inder Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- None for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
for the respondents.

SUVIR SEHGAL J.

By way of present petition filed under Articles 226/227 of Constitution of India, petitioner has approached this court seeking issuance of a writ in the nature of certiorari for quashing order dated 05.02.2014 (Annexure P-5) and for issuance of a writ in the nature of mandamus directing the respondents to consider the petitioner for the post of driver.

Petitioner is an applicant for the post of driver advertised in the year 2009. He has passed "Prathma Pariksha" from Hindi Sahitya Samelan, Allahabad (Annexure P-1) and has completed the training from the Haryana Roadways Central Workshop, Karnal in November 1997. His candidature has not been considered for the post of driver. Petitioner approached this Court by filing a writ petition and by order dated 27.03.2014 (Annexure P-4), this Court directed the respondents to decide the application dated 12.12.2013 submitted by the petitioner for consideration of his claim. Application has been rejected vide impugned order (Annexure P-5) on the ground that the qualification possessed by the petitioner is not equivalent to

matriculation in the State of Haryana. Reliance has been placed by the petitioner upon a judgement dated 17.11.2012 (Annexure P-3) passed by this Court in CWP No.18474 of 2011 titled as '**Saptter Singh Vs. State of Haryana and others**'.

Upon notice, petition has been resisted by the respondents by taking a stand that the petitioner does not possess the essential qualifications for the post as per the advertisement which provides thus:-

“Eligibility & Essential Qualification

An applicant must (a) be a citizen of India, (b) be of good moral character (c) be of sound health (d) not have more than one spouse living (e) be matriculate with Hindi or Sanskrit from a recognized Board/University and should be holding a valid Transport Vehicle Driving Licence along with a minimum of 2 years' experience of driving a Heavy Goods Vehicle including proficiency in driving a Heavy Passenger Motor Vehicle or 10 years experience of driving a vehicle in the Armed Forces.”

Petitioner is un-represented and similar has been the position on previous three occasions.

I have heard the State counsel and examined the documents appended with the paper book with his able assistance.

The sole issue, which arises for determination in this writ petition is as to whether the qualification of “Prathma Pariksha” from Hindi Sahitya Samelan, Allahabad is equivalent to that of matriculation, which is an essential qualification prescribed for the post of driver. Issue stands

settled by Division Benches of this Court in **Ram Bhagat Sharma Vs State of Haryana** 1997(4) RSJ 134 and **Jai Parkash and others vs State of Haryana** 2009(1) SCT 721.

In **Ram Bhagat's case (supra)**, this Court came to the conclusion that the degrees/diplomas/certificates awarded by Hindi Sahitya Samelan, Allahabad have to be treated as bogus and it has been held that no candidate can claim eligibility for the appointment to a public post on the basis of such qualification. In CWP No.9461 of 2012 titled as **Sumitra Devi Vs. State of Haryana and others**, decided on 18.10.2016, a Coordinate Bench of this Court was of the view that judgement passed by another Division Bench in CWP No.16002 of 2007 titled as '**Meena Devi vs State of Haryana and others**' decided on 27.02.2008, on the basis of which judgement (Annexure P-3) was passed is not applicable and held as under:-

“There is yet another aspect that has weighed with this Court to deny relief to the petitioner. It is by now well settled that it is for the employer to prescribe qualifications for appointment to a particular post. Whenever qualifications are prescribed for a post, the incumbent for such post would not be vested with an inherent right to seek the benefit of equivalent or matching qualifications. In the facts of the present case petitioner had applied for the post of Aanganwari Worker in pursuance to the advertisement at Annexure P-2, whereby the essential qualification prescribed was matriculation. The respondent department in its wisdom provided the essential qualification specifically excluding the expressing “or any other

qualification equivalent to the prescribed qualification”.

*Absence of such a clause would clearly indicate that the respondent department did not desire to appoint people possessing equivalent qualification. A clause of equivalence as treated for academic purpose may not essentially be true or universally applicable for employment purposes as well. In the field of employment a specific stipulation should be provided in the advertisement as regards equivalent qualification to be also considered. Under such circumstances, the petitioner cannot compel the respondent department to treat her qualification of “Prathma Priksha” to be treated as equivalent with that of matriculation. In taking such view a reference may be made to the Division Bench judgement of this Court in **Ajay Kumar Vs. State of Haryana and others, 2004(1) S.C.T, 888.**”*

In view of the above legal position, there is no merit in the present petition, which is hereby dismissed

(SUVIR SEHGAL)
JUDGE

March 09, 2023

savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes