

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

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CWP-15416-2020 (O&M)

Date of Decision: 09.02.2023

MONIKA DEVI AND ANR

... Petitioners

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Jasbir Mor, Advocate
for the petitioners.

Mr. Rohit Arya, DAG, Haryana.

Mr. Kanwal Goyal, Advocate
for respondent No.2.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Mandamus directing the respondents to issue appointment letters to the petitioners for the post of Assistant Block Resource Coordinator and allow them to join the duties on the said post.

Learned counsel for the petitioners submits that against advertisement dated 15.06.2019 (Annexure P-1), the petitioners having already cleared the National Eligibility Test, had applied for the aforesaid posts under Economically Weaker Section (EWS) and Backward Classes-A (BCA) category that the written test for the posts in question was conducted on 17.08.2019; that the petitioners secured 62.20 and 61.83 marks, respectively and that the petitioners were shortlisted for documentation. He further submits that the petitioners

appeared for documents verification on 04.09.2019; that the names of the petitioners were not mentioned in the final result, on the ground that their documents were under scanner; that the petitioners have obtained the requisite qualification from Eastern Institute for Integrated Learning in Management University, Sikkim and that various other candidates, who have obtained requisite qualifications from the said University, were appointed as teachers and also given promotion.

On the other hand, learned counsel for respondent No.2, while relying upon the judgment pronounced on 17.12.2015 by a Coordinate Bench of this Court in case CWP-8062-2014 titled as Devki Nandan and Another vs Kurukshetra University, Kurukshetra and others, has categorically submitted that a similar controversy i.e. obtaining of the requisite qualification from Eastern Institute for Integrated Learning in Management University, Sikkim, was considered and that the said writ petition was dismissed holding that the University, in the absence of any authorization from the competent authority, had issued the degrees, which was not by way of regular mode and in the absence of any authority from the DEC/UGC and IGNOU, it could not have done so. The relevant extract of the said judgment, would read as under:-

'..... As noticed above, in the present case, the university, in the absence of any authorization from the competent authority, has issued the degrees which was not by way of regular mode. In the absence of any authority from the DEC/UGC and IGNOU, it could not have done so. A perusal of the degrees (Annexure P-1) also, would go on to show that there is no

reference to any institute affiliated to the university, from which the petitioners would have studied. The same would have shown that they had done their Bachelor of Arts (General) by way of a regular mode since admittedly, the course is of three years duration and the petitioners had reportedly passed out in 2012. In the absence of the petitioners having attended classes in any institute which is affiliated to the EIILM University or its study center within the State of Sikkim, it is apparent that the petitioners have got degrees by way of distant education while sitting in the State of Haryana, of which they are permanent residents. Thus, they cannot now turn around and say that merely because they have completed their courses or are half way through the same, they have an absolute right of declaration of the result. The details have already been mentioned above that the University, from the initial start itself, had started making efforts to verify the mode of study and has even afforded reasonable opportunities also to the petitioners to show cause and supply necessary information regarding the mode of study. The same was never complied with by the petitioners and, therefore, they cannot turn around and contend that there was no opportunity as such.

Accordingly, keeping in view the above discussion, question no. (ii) is answered against the petitioner regarding the issue of promissory estoppel.

Accordingly, the writ petitions are dismissed and the decision of the university to cancel the examination and the result of the petitioners is justified and does not warrant any interference'.

Learned State counsel further submits that the appeal preferred against the judgment passed by a Coordinate Bench of this Court in Devki Nandan's case (supra), was also dismissed.

I have heard the learned counsel for the parties.

Since, the issue in question has already attained finality, no interference is called for, at this stage.

Dismissed.

09.02.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>