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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14385-2023

Date of Decision: 12.07.2023

Karamjeet Kaur

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. S.K. Liberhan, Advocate
for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner has preferred this Writ Petition stating that although she does not possess 10+2 with Physics, Chemistry, and Biology/Maths subjects, the same is not a prerequisite qualification for obtaining diploma in Veterinary Science and Animal Health Technology of two years duration. She possesses the said diploma but she does not have 10+2 with Physics, Chemistry, and Biology/Maths subjects. The respondents have rejected her candidature although she has participated in the selection process and secured higher marks.
2. Learned counsel for the petitioner relies on judgment passed by the Supreme Court in *Chandrakala Trivedi vs. State of Rajasthan and others, 2012 (1) SCT 610*, and submits that if a person has equivalent qualification, the same can be considered.

3. I have carefully gone through the judgment passed by the Supreme Court as well as submissions made by the counsel for the petitioner.
4. The facts of the case of ***Chandrakala Trivedi*** (supra) are different from the facts of the present case.
5. A single line can make a lot of difference in the judgment, and the final judgment of the Court therefore changes.
6. In the case of ***Chandrakala Trivedi*** (supra), the qualifications required for appointment as Upper Primary Middle School Section was Senior Secondary School Certificate or intermediate or its equivalent and diploma or certificate in elementary teachers training of duration of 2 years or more or Bachelor of Elementary Education or Graduate with Bachelor of Education or its equivalent. The candidate did not possess Senior Secondary School Certificate or intermediate but was having higher qualifications than Senior Secondary School Certificate having passed from open school. The Supreme Court examined the word 'equivalent' and held that if a person possesses higher qualification, then she would fall within the equivalence of Senior Secondary School Certificate or intermediate as she possessed higher qualifications.
7. In the present case, the facts are different. Essential qualifications as laid down in the advertisement are as under:

“5. Essential qualification

- i) *10+2 with Physics, Chemistry, and Biology/Maths subjects from a recognized University/Board; or 10+2 with Biology/Math, Physics, Chemistry and English subjects from a recognized University/Board and*
- ii) *Should possess a Diploma in Veterinary Science and Animal Health Technology of two years duration or its equivalent from any recognized university”*

8. Thus, a candidate is required to have two different qualifications; firstly must possess 10+2 with Physics, Chemistry, and Biology/Maths subjects from a recognized University/Board or 10+2 with Biology/Math, Physics, Chemistry and English subjects from a recognized University/Board; and secondly must possess a Diploma in Veterinary Science and Animal Health Technology of two years duration or its equivalent from any recognized university.
9. Petitioner though possesses the second qualification, she does not possess the first one. There is no ‘equivalent’ word used while laying down qualification regarding 10+2 with particular subjects. Petitioner has passed 10+2 with Arts subjects. She thus does not possess the requisite qualification. Merely passing the written examination does not create any right in her favour as she knew very well that she does not possess the essential qualifications.
10. Therefore, the Writ Petition is devoid of merits and is accordingly dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

July 12, 2023

Mohit

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No