

CWP-21146-2014

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

CWP-21146-2014

Date of decision: 15.02.2023

Priyank Srivastava

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- None for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

On 17.01.2023, there was no representation on behalf of the petitioner and the Registry was directed to inform learned counsel for the petitioner about pendency of the present case.

As per the office report, learned counsel for the petitioner has been informed through email.

However today also, none has appeared on behalf of the petitioner.

Challenge in the present petition is to the rejection letter (Annexure P-4) issued by respondent No.3, vide which candidature of the petitioner for the post of Lecturer in Mechanical (Group-B), has been rejected.

As per the contents of the petition, the petitioner had applied for the aforesaid post in pursuance of the advertisement dated 05.03.2014; that the petitioner possesses the degree of M.Tech.; that the petitioner had

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also worked on the post of Assistant/Associate Professor in Mechanical Engineering, as would decipher from the experience certificates (Annexures P-2 and P-3); that initially, name of the petitioner was shown at Sr. No.320 in the list of the candidates, who were to be called for the written test, and that however list of the eligible candidates, who were to be called for the test, was again uploaded on internet wherein name of the petitioner at Sr. No.320 was missing.

Learned State counsel submits that in response to the advertisement dated 05.03.2014, the petitioner applied for the post of lecturer in Mechanical Engineering; that however, the petitioner possesses the degree in Production Engineering; that eligibility of the petitioner was got verified by an expert committed constituted by respondent No.2, and that as per the report of the expert committee, qualification of B.Tech/B.E. in Production Engineering was not a relevant qualification for the aforesaid post. Learned State counsel further submits that since the petitioner was not eligible for the aforesaid post, her application was not considered by the selection committee.

I have heard the learned State counsel.

The petitioner had applied for the post of Lecturer in Mechanical Engineering. As per the advertisement/general instructions, selection criteria (Annexure P-1), the essential qualification for Lecturer in Engineering discipline, would read as under:

“First Class Bachelor's Degree in Engineering in the relevant subject from a recognized University/Institute or Associate Member of Institution of Engineers (India) by examination in the concerned subject of Engineering with

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60% marks in aggregate in Sections 'A' and 'B' after passing three years Diploma in first division.

Knowledge of Hindi/Sanskrit upto Matric Standing.”

A perusal of the same would reveal that essential qualification for the post of Lecturer in Mechanical Engineering was the Bachelor's Degree in Mechanical Engineering. However, the petitioner possesses the Bachelor's Degree in in the Production Engineering. The eligibility of the petitioner was also got verified by an Expert Committee, constituted by the Director General, Technical Education. The aforesaid Committee also reported that qualification of B.Tech/B.E. in Production Engineering was not a relevant qualification for the post of Mechanical Engineering.

It is settled law that when the experts in the education Department have held that a diploma or degree is not equivalent to the another given qualification, the Court should not interfere with the findings so recorded by such experts and that the judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification.

In Devender Bhaskar & Ors. Vs. State of Haryana & Ors., 2022(2) PLR 644, the Hon'ble Supreme Court, while adjudicating upon the issue of equivalence of qualifications, has held as under:-

“20. We have already noticed that one of the eligibility criteria for appointment to the post of Arts and Crafts teacher as per the advertisement dated 20.07.2006 is a “two-year Diploma in Art and Craft examination conducted by the Haryana Industrial Training Department or an equivalent qualification recognized by the Haryana Education Department.” It was made clear by the Industrial Training and Vocational Educational Department, Haryana, that diploma in Art and Craft Course by the

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Kurukshetra University is conducted through distance education and that this course cannot be equated with two-year diploma in Art and Craft Course awarded by the Haryana Industrial Training Department. Recognition of the said Course by the State of Haryana, as held by the High Court, is entirely different from its equivalence. When the experts in the Education Department have held the diploma in Art and Craft by the Kurukshetra University is not equivalent to the two-year diploma in Art and Craft awarded by the Haryana Industrial Training Department, we are of the view that the High Court was not justified in equalizing them.

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25. *In Zahoor Ahmad Rather & Ors. v. Sheikh Imtiyaz Ahmad & Ors., (2019)2 SCC 404, it was held that the State, as an employer, is entitled to prescribe qualifications as a condition of eligibility, after taking into consideration the nature of the job, the aptitude required for efficient discharge of duties, functionality of various qualifications, course content leading up to the acquisition of various qualifications, etc. Judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification. Equivalence of qualification is a matter for the State, as recruiting authority, to determine.”*

The controversy involved in the present case is squarely covered by the aforesaid judgment of the Hon’ble Supreme Court. Once, the Committee of Experts has examined the issue of equivalence of the given qualifications and opined accordingly, the same cannot be interfered with in the writ jurisdiction.

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In view of the above, this Court does not find any merit in the present petition.

Dismissed.

15.02.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No