

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-19698-2018 (O&M)
Date of Decision:- 17.08.2023

Mohit Kumar and others ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar Sharma, Advocate, for the petitioners.

Mr. Aman Dhir, DAG, Punjab.

Mr. Abhilaksh Gaind, Advocate with
Mr. Rakesh Roy, Advocate, for respondent No.4.

GURVINDER SINGH GILL, J.

1. The petitioners seek quashing of impugned order dated 11.12.2017 (Annexure P-8/T), issued by the Additional Director General of Police (Admn.), Information Technology and Telecommunications (IT&T), Punjab, whereby the candidature of the petitioners for the purpose of Constable Operators has been rejected.
2. The State of Punjab issued an Advertisement dated 14.8.2016 (Annexure P-1) inviting applications for recruitment to 388 vacancies of Constables including 244 posts of Constable (Operator). The petitioners applied for the

same and provisional selection/appointment letters dated 09.03.2017 (Annexure P-3) were issued to them by the Office of respondent No.3- Additional Director General of Police, Information Technology & Telecommunications Wing. The educational qualifications as prescribed for Constable (Operator) are reproduced hereunder, as extracted from advertisement (Annexure P-1):

“C. EDUCATIONAL QUALIFICATIONS

Constable (Operator):-

10+2 (with Physics as one of regular subjects) from the State Board of Education / any recognized Board or University with at least six months basic computer course (at least 200 hours from an institute recognized by the Government;

OR

10+2 (with Physics as one of the regular subjects) from the State Board of Education / any recognized Board or University and B.Sc. (IT.) or Bachelor in Computer Applications from a recognized University;

OR

Matriculation from the State Board of Education / Any recognized Board and Diploma in Computer Engineering / Diploma in Electronics & Communication Engineering (Duration 3 years) from a recognized State Polytechnic Institute / College approved by All India Council of Technical Education (AICTE);

OR

Graduation in the field of Electronics / Electronics and Communication from a recognized University.”

3. During the course of verification of certificates and testimonials of the selected candidates, the Additional Director General of Police (Admn.), Information Technology and Telecommunications (IT&T), Punjab wrote to Secretary, Punjab School Education Board seeking information as regards the number of hours of basic computer training undertaken by the candidates,

vide letters dated 26.4.2017 and 28.4.2017 (Annexure P-4). The relevant extract from the said letters soliciting information reads as under:

“It may be clarified as to whether the candidate fulfils the qualification criteria as per Para No.3, (i) i.e. 200 hrs. Computer course studied by him out of the syllabus studied upto 10+2 level.”

4. In response thereto, the Deputy Director (PSEB) replied vide memo dated 15.6.2017 (Annexure P-5/T) furnishing requisite information to the following effect:

“1. As per Para 3(1):- For class XI and XII, the Subject of Computer is part of main syllabus and is not a separate course of 200 hours.

2. The subject of Computer studies is being taught to the students' alongwith other subjects.

3. Three periods of computer teaching are being embarked for class VI to class X every week. Four periods of computer teaching are being embarked for class XI and class XII.

4. As per the government directions/instructions the timing of the schools/periods keeps on changing.”

5. Subsequently, the Office of Additional Director General of Police (Admn.), Information Technology and Telecommunications (IT&T), Punjab again wrote letter dated 19.6.2017 (Annexure P-6) again soliciting information with respect to the number of hours the candidates had put in basic computer course.

6. In response thereto, Deputy S.D.P (ICT) & Legal Assistant in an undated report (Annexure P-7) opined as under:

“3. Therefore, overall duration of computer teaching from Class VI to class XII is nearly 480 hours including 240 hrs of theories and 240 hrs of practical's.

This time calculation of computer teaching in hours by the School board can be taken into account while considering the number of hours the candidates have studied the basic computer course.”

7. Learned counsel for the petitioners submitted that the candidature of the petitioners has been wrongly rejected by the Office of Additional Director General of Police (Admn.), Information Technology and Telecommunications (IT&T), Punjab, by assigning reasons which do not stand substantiated i.e. the petitioners not having undertaken the diploma course in Information and Technology from an institute recognized by Government, whereas the petitioners had put in much more than 200 hours of computer training as would be evident from the Report (Annexure P-7).
8. On the other hand, learned State counsel has vehemently opposed the petition on the ground that having regard to the fact that the diploma courses undertaken by the petitioners were not recognized by the Government, the petitioners cannot be said to be eligible so as to be considered for the post of Constable (Operator). It has further been submitted that no sanctity can be attached to undated report (Annexure P-7) inasmuch as the computer education imparted to the petitioners in the primary classes cannot be taken into account or be substituted for the requirement of Diploma in Computer Engineering or Electronics and Communication Engineering from a “recognized” institute or the requirement of a 6 months basic computer course (at least 200 hours) from “recognized institute”, as the computer education at school level would be of an elementary nature whereas the education imparted in a dedicated computer course after matriculation would be of advanced nature. The learned State counsel has also drawn the

attention of this Court to the reply filed by the State. The relevant extract of reply is reproduced hereunder:

“6. That upon coming to know about the discrepancy, the department vide order No 13508-13/Rectt. Cell dated 29.03.2017 constituted a committee comprising of members i.e. (i) Technical Expert from NIELIT, (ii) Technical Expert from Director, Technical Education, (iii) Member from Sainik Welfare Board and (iv) Assistant Inspector General of Police, Administration, Information Technology & Telecommunication to verify the educational/ technical educational qualification of the candidates, who have joined as Constables and candidates yet to join as constable in IT&T Wing of Punjab Police, at that time. The said committee has gone through the copies of testimonials of the petitioners and observed that the qualification of the candidates does not match with the required qualification mentioned in Standing order No. 4/2016 and was of the view that the candidates who have studied computer as subject in 10+2 classes, computer subject along with degree courses and claim to have undergone 200 hours course as per standing order, their certificates/degrees need to be got examined from the concerned Board/Institute from where they have passed. In this regard, the clarification regarding 200 hours of computer course as subject in 10+2 classes was obtained from Punjab School Education Board. The Punjab School Education Board intimated that for the class XI and XII, the subject of computer is part of main syllabus which is not a separate course of 200 hours and further clarifies that the calculation of the hours for the subject of computer taught from Class VI to Class XII, which is not in accordance with the required computer educational qualification as per advertisement (Annexure P-1). However, a report regarding certificates of computer courses submitted by the petitioners has also been obtained from the Director, Department of Technical Education & Industrial Training (Technical Education Wing), Punjab, Chandigarh that whether these can be considered equivalent to six months (minimum 200 hours) computer course from an institute recognized by the Government or otherwise. The Director, Department of Technical Education & Industrial Training (Technical Education Wing), Punjab vide No.777/Computer

dated 04/16.10.2017 intimated that the institute from which the petitioners have done their Computer Course cannot be considered as Government recognized Institutes. Accordingly, the certificates of technical education submitted by the petitioners are not in consonance with the required qualification as per standing order 4/2016 and advertisement (Annexure P-1). Hence, the candidature of the petitioners for the post of Constable Operator has been rejected by the respondent department, which is just, legal, valid and binding upon the petitioner. Thus, the present petition is liable to be dismissed.”

9. The aforestated stand taken by the State shows that the certificates with respect to computer courses furnished by the petitioners had been got examined and it was found that the institutes issuing the diploma certificates were not recognized institutes. Further, it has also been clarified that the computer education taught at the school level from class 6 to Class 12th is not in accordance with the required computer education qualification prescribed in Advertisement (Annexure P-1). It goes without saying that a dedicated computer course designed for Matriculates would be designed to impart a certain level of computer education to the students whereas the computer education provided in the primary classes would be in the nature of introductory/orientation type of courses and would not meet the eligibility criteria.
10. Although heavy reliance has been placed by learned counsel on an undated report (Annexure P-7), but apart from its doubtful authenticity, the said report itself shows that the same is based on education imparted in schools in Classes VI to XII, and as per which the students during said 7 years had put in 240 hours of practicals. In other words, majority of such practical training would have been in primary classes where level of education would be introductory in nature. In any case, even the institutes from where the

candidates undertook computer courses have not been found to be recognized institutes. As such, the respondents were justified in rejecting the candidature of petitioners.

11. The petition, as such, is found to be devoid of merits and is hereby dismissed.

17.08.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No