

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No. 22948 of 2018 (O&M)

Reserved on:10.05.2023

Pronounced on:02.06.2023

Anil Kumar and another
Vs
State of Haryana and others
...Petitioners
...Respondents

2. CWP No.27292 of 2018 (O&M)

Ravinder Kumar
Vs
State of Haryana and another
...Petitioner
...Respondents

3. CWP No.21908 of 2018 (O&M)

Pardeep Kumar
Vs
State of Haryana and another
...Petitioner
...Respondents

4. CWP No.32398 of 2018 (O&M)

Parveen Saroha
Vs
State of Haryana and others
...Petitioner
...Respondents

5. CWP No.34119 of 2019 (O&M)

Ankit Malik and another
Vs
Haryana State Selection Commission and another
...Petitioner
...Respondents

6. CWP No.24062 of 2018 (O&M)

Neha
Vs
Haryana State Selection Commission and another
...Petitioner
...Respondents

7. CWP No.23047 of 2018 (O&M)

Vikas Dhiman
Vs
...Petitioner

State of Haryana and another

...Respondents

8. **CWP No.20841 of 2018 (O&M)**

Baljinder Kumar and others

...Petitioners

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jasbir Mor, Advocate
for the petitioners in CWP No.22948 of 2018.

Mr. Neeraj Gupta, Advocate
for the petitioner in CWP No.23047 of 2018.

Mr. Ajay Vijarania, Advocate
for the petitioners in CWP No.27292 of 2018.

Mr. Suresh Kumar Kaushik, Advocate
for the petitioner in CWP No.21908 of 2018.

Mr. Jasbir Mor, Advocate
for the petitioner in CWP No.32398 of 2018.

Mr. R.S. Mamli, Advocate
for the petitioners in CWP No.34119 of 2019.

Mr. Vivek Sharma, Advocate
for the petitioner in CWP No.24062 of 2018.

Mr. Sunil K. Nehra, Advocate
For the petitioners in CWP No.20841 of 2018.

Mr. Kapil Bansal, DAG, Haryana.
Mr. Narinder Singh Behgal, AAG, Haryana.

Mr. B.R. Mahajan, Senior Advocate with
Mr. Hitesh Pandit, Advocate
for respondent-HSAMB.

Mr. Saurabh Chawla, Advocate for
Mr. Nitin Kaushal, Advocate
for respondent No.3-AICTE.

Mr. Prateek Mahajan, Advocate and
Mr. Saloni Sharma, Advocate
for respondent No.2 in CWP No.32398 of 2018.

JAISHREE THAKUR J.

1. This order of mine shall dispose of eight writ petitions bearing CWP Nos.22948, 23047, 21908, 24062, 27292, 32398, 20841 of 2018 and 34119 of 2019, as the grievance raised by the petitioner(s) in all the writ petitions is that they have not been called for interview on the ground that they did not possess requisite six months certificate in computer from a recognized institution.
2. In brief, facts, which have led to the filing of the instant writ petition, are that Haryana Staff Selection Commission, Panchkula (HSSC in short) had published Advertisement No.7/2015 dated 10.07.2015 for direct recruitment of various categories of posts as mentioned in the said advertisement. In pursuance to the said advertisement, the petitioners in the afore-captioned writ petitions had applied for various posts, details of which are tabulated as under:-

CWP No.22948 of 2018				
Name of the petitioner and Cat.	Advt. No.	Cat. No. & name of post	Essential qualification	Qualification of the petitioner
i) Anil Kumar (General) ii) Sunil Kumar (dismissed as not pressed)	7/15	Cat No.19, Auction Recorder	i) Graduation with 55% marks from a recognised University with six months certificate in computer from a recognised Institutions; and ii) Hindi/Sanskrit upto Matric Standard or higher education.	i) B. Tech. ii) M. Tech iii) Diploma in Computer Application from Rashtriya Saksharta Mission IT Education iv) Diploma in Web Technology from HARTRON
CWP No.34119 of 2019				
i) Ankit Malik (General)	As above	As above	As above	i) B.Com (Vocational) ii) Diploma in Computer

				Comm. Engg.). ii) Certificate Course from Tata Infotech (Jul 02 to Apr 03) iii) Certificate course on Advance C Programming, Software Engg. HTML and Modern Telecommunication
CWP No.21908 of 2018				
Pardeep Kumar (BCA)	As Above	As above	As above	i) M.Tech (Electronics & Comm. Engg.) ii) B.Tech (Electronics & Comm. Engg.)
CWP No.32398 of 2018				
Parveen Saroha (General)	As above	As above	As above	i) B. Com (Vocational Course)
CWP No.24062 of 2018				
Neha	As above	As above	As above	i) B.Tech (Electronics & Comm.)

3. Petitioners herein being duly eligible in their respective categories of posts submitted their online applications. Being successful in the written examination conducted by the respondent-Commission, they were called for scrutiny of documents. They appeared before the competent authorities for scrutiny of documents and submitted requisite documents pertaining to their qualifications. However, they were surprised to find that their names were not reflected in the list of candidates called for the interview. They were orally informed by the respondent-Commission that they did not possess the requisite six months certificate in computer from a recognized institution and therefore, they did not qualify for interview.

4. Learned counsel appearing for the petitioners would contend that they have appended requisite certificates in computer to establish that they have done their six months course in computer from registered institutes. It was

further argued that non-consideration of said certificates and subsequent decision of the Haryana Staff Selection Commission in enlisting 16 institutions as recognized institutions for selection on posts in question changes rules of the game after selection process put into motion and therefore, petitioners herein are put at a disadvantage. It was also argued that petitioners, who have done Bachelor of Technology have also studied computer as a subject while pursuing their degree and therefore, the same ought to have been taken into consideration as a qualification equivalent to or higher than six months course in computer.

5. Additionally, learned counsel appearing for petitioner-Ankit Malik in CWP No.34119 of 2019 and the counsel appearing for petitioner-Parveen Saroha in CWP No.21908 of 2018 would argue that petitioners have done their B.Com (Vocational Course) degree wherein they studied subjects of Computer Fundamental & Logical Org-1, Computer Fundamental & Logical Org-2, Fundamental of Database System-II, Data Structures and SAD CA6 & Data Structures & SAD CA 6 in semesters 1 to 6 respectively, which is higher than a six months course in computer. Reliance has also been placed upon a certificate issued by the Principal, Arya PG College, Panipat (Annexure P-8) in favour of petitioner-Ankit Malik in CWP No.34119 of 2019 wherein it is stated that the petitioner has done Bachelor of Commerce (Vocational) 3 years degree and contents of subjects studied is higher in comparison to six months course in computer.

6. Learned counsel appearing for petitioners in CWP Nos.27292 of 2018 and 20841 of 2018 would argue that petitioners namely Ravinder Kumar and Pankaj Kumar respectively have done their computer courses from Tata Infotech, which had entered into an agreement with the Government of

Haryana for imparting computer education as an optional subject in the Government Educational Institutes and therefore, their certificates ought to have been considered as the one obtained from recognized institutions.

7. Per contra, learned counsel appearing on behalf of the respondents would urge that terms and conditions of the advertisement clearly mentioned that only six months computer certificates issued by the recognized institutes would be taken into consideration and therefore, there is no infirmity in the selection process or not taking the computer certificates appended by the petitioners into consideration, as they have been issued by registered institutes and not by recognized institutes.

8. I have heard learned counsel for the parties and with their assistance have gone through the pleadings of the case.

9. The facts are not in dispute that the petitioners herein had applied for the posts of Mandi Supervisor-cum-Fee Collector and Auction Recorder under Category Nos.17 and 19 respectively in pursuance to Advertisement No.7/2015. For both the aforesaid posts, besides graduation with 55% marks from a recognized University, a six months certificate in computer from recognized institution is mandatory. In CWP No.20394 of 2018 titled as *Prince Vs. State of Haryana and others* decided on 14.11.2018, a decision taken on 07.09.2018 by the Haryana Staff Selection Commission with regard to the institutions, which were to be considered as *recognized* institutions for six months course in computer for the post of Mandi Supervisor-cum-Fee Collector. Details of said 16 institutions are as under:-

“01. One year Diploma for Computer Operator and Programming Assistant, Desk Top Publishing Operator, Computer Hardware and Network Maintenance and six month Diploma of Data Entry

Operator issued by Skill Development and Industrial Training Department.

02. Certificate Course (144 hours) of C-DAC.

03. Certificate Course of HKCL.

04. Certificate Course of HARTRON.

05. All Engineering Degree / Bachelor Degree / Master Degree (different nomenclature) in Computer / Computer Engineering / Computer Science / Information Technology / Computer Application e.g. B.Tech / BE / B.Sc. Engg. / BCA / B.SC. / Masters in Computer / Computer Science / Information Technology / Computer Application recognized for AICTE / UGC.

06. HARTRON Diploma in Financial Accounting with HARTRON Skill Centre.

07. Diploma/Computer Course from District Council for Child Welfare.

08. Diploma/Computer Course from Red Cross Society.

09. Diploma/Computer Course from National Institute of Skill Development (NISD) approved from MHRD/Any State Government.

10. Diploma/Computer Course from District Rural Development Agency (DRDA).

11. Diploma/Computer Course from NIELIT (Ministry of IT, Govt. of India).

12. Diploma/Computer Course from any wing of Indian Force (Army/Air Force/Navy).

13. Diploma/Computer Course from ET&T Corporation Ltd.

14. Computer Diploma issued by a College affiliated/ recognized to University (framed under State Act/Central Act).

15. PGDCA issued by University.

16. Three years Diploma in Computer/IT from Polytechnic recognized by Technical Education Department.”

10. The question that needs consideration would be whether petitioners herein, who have done their six months computer course from an institute, which is though not recognized as one of the 16 institutes as enlisted by the Haryana Staff Selection Commission, but stands duly registered, would be eligible for the posts of Mandi Supervisor-cum-Fee Collector/Auction Recorder? Secondly, would the action of the respondent-State in holding the petitioners ineligible on account of not possessing a six months computer certificate from any of the 16 institutions tantamount to changing rules of the game after initiation of selection process.

11. In the opinion of this Court, answer of both the questions would be in negative. The advertisement i.e. Advertisement No.7/2015 clearly specified that the computer certificate would have to be issued from a ‘recognized institute’ and not merely from a registered institute. It is worthwhile to note that most institutes open after getting themselves registered, but do not impart education and hand out certificates with impunity. No classes are held, as there is no teaching staff nor any infrastructure. Most of these institutes get registered, as it is easy to earn off the students, who are keen to get a certificate without any actual education being imparted, whereas that is not the case where institutes are recognized by the State Government itself. Computer education is of practical nature and therefore, action of the respondent-State in short-listing institutions as recognized institutions,

which impart computer education while fulfilling the parameters of qualification of faculty imparting education, number of computers, number of class rooms with basic needs as well as the infrastructure and are actually authorized to issue certificates, cannot be said to be changing rules of game after initiation of selection process. Petitioners have no locus to say that their non-selection has been impacted on account of changing rules of game midway, since they themselves do not possess six months certificate in computer from a 'recognized institute'. Employer has absolute right to adjudge the suitability of the candidates whom they want to select for running administration. Therefore, petitioners herein, who do not possess six months certificate in computer from any of the 16 institutes as held to be recognized institutions for selection to the posts in question by the Haryana Staff Selection Commission, cannot be considered to be eligible.

12. The argument raised by counsel appearing for the petitioners in CWP Nos.27292 of 2018 and 20841 of 2018 that petitioners namely Ravinder Kumar and Pankaj Kumar respectively have done their computer courses from Tata Infotech and their certificates are issued by government educational institutions, therefore they have to be held eligible, is not sustainable. In the judgment rendered a Coordinate Bench of this Court in CWP No.16953 of 2009 titled as ***Karam Singh Vs. State of Haryana and others*** decided on 06.11.2009, which has been upheld upto Hon'ble Supreme Court of India, it has been held as under:-

“Merely because the Tata Infotech Limited has entered into an agreement (Annexure P-2) with the Government of Haryana, for imparting computer education as an optional subject in the Government Educational Institutions (Schools, Colleges, Industrial

Training Institutions and Vocational Education Institutions) for short duration of computer courses, will not make the certificates (Annexures P-3 and P-4), issued by the Tata Infotech Limited, during that training, as a valid one year Diploma in computer.

These certificates have been issued for participation in computer training for a duration of 90 and 120 hours. The students, who are studying in Government Education Institutions attended those courses as an optional subject and they were given the certificates for that. Those certificates are not equivalent to one year Diploma in computer, which itself is a separate course. During the course of arguments, learned counsel for the petitioner could not show any material/order that those certificates have been recognized by the Government as equivalent to one year Diploma course in computer. In absence of any such recognition by the Government, it cannot be held that those certificates issued by Tata Infotech Limited with counter signatures of the Principal of the College, can be considered as equivalent to one year Diploma in computer. Similar is the position with regard to the certificate (Annexure P-5) issued by the Webs Computer Education. Therefore, in my opinion, the petitioner has been rightly held to be not entitled for appointment on the post of Field Inspector (Stores) in Hafed, as he is not possessing the essential minimum qualification i.e. one year Diploma in computer.

13. In view of the aforesaid fact, certificates issued by Tata Infotech Limited cannot be taken into consideration.

14. The argument raised by counsel appearing for petitioners that some of the petitioners have done their B.Tech with computer as one of the subjects

and therefore, the same ought to have been taken into consideration looks attractive, but equivalence of a qualification is not a matter which can be determined by this Court in exercise of its judicial review. For instance, in CWP No.24062 of 2018, petitioner did B.Tech in Electronics and Communication Engineering with Fundamental of Computer and Programming, Computer Programming Lab and Data Structures and Computer Design Hardware in 3rd and 5th Semester respectively. In CWP No.21908 of 2018, petitioner-Pardeep Kumar while doing his B.Tech (Electronics & Communication Engineering) studied Fundamentals Of Computer & Programming, Computer Programming Lab, Computer Communications, Computer Architecture & Organ, Computer Networks IT and Data Communication as subjects related to computer in 1st, 3rd, 5th, 6th and 7th Semester. Similarly, petitioners in CWP No.32398 of 2018 and 34119 of 2019 have done B.Com with vocational course and studied Computer Fundamental & Logical Org, Fundamental of Database System, CAD and Advanced Computer Application as subjects in 1st to 6th semesters respectively. Determination of equivalence of any qualification is domain of experts and therefore, this Court restrains itself from going into the issue whether the subjects studied by petitioners as mentioned above would be equivalent to six months course in computer as required under the advertisement. The Hon'ble Supreme Court in the case of ***U.P.P.S.C. through its Chairman v. Rahul Singh***, 2018 AIR (Supreme Court) 2861 has held, "*Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts.*" It would be appropriate to refer to the judgments as rendered by the Supreme Court to the effect that the courts

should refrain from giving their own opinion over and above the opinion given by an Expert Committee. The judgements of the Supreme Court in this regard are *Kanpur University through Vice Chancellor and others v. Samir Gupta and others (1983) 4 SCC 309*, *Rishal and others v. Rajasthan Public Service Commission and others (2018) 8 SCC 81*, *Uttar Pradesh Public Service Commission, through its Chairman and another v. Rahul Singh and another (2018) 7 SCC 254* and *Sarita Meena v. State of Rajasthan 2021 (1) RLW 650*. The Division Bench of Delhi High Court in **National Board Of Examination v. Association Of Md Physicians, 2022 AIR (Delhi) 246**, has also recently held that *Judges are not and cannot be experts in all fields, and the opinion of experts cannot be supplanted by a Court overstepping its jurisdiction.*

15. At this juncture, this Court also takes note of the fact that in CWP No.13609 of 2020 titled as *Vikas Singh Vs. State of Haryana and others*, this Court, with consent of parties, vide interim order dated 11.01.2023 had sent the matter to the Registrar of MDU, Rohtak to constitute an expert committee to examine the issue of equivalence of study of computer education as done by the petitioners during their B.Sc. course with six months computer certificate as required under the same advertisement i.e. Advertisement No.7/2015. Pursuant thereto, Registrar, MDU submitted his report dated 17.02.2023, which has not been challenged till today. The relevant part of the said report is reproduced as under:-

“...After perusal of the DMCs in r/o Mr. Vikas Singh, one of the petitioners who has passed B.Sc. with Computer Science as a subject from KUK (State University recognized by UGC) as well as the copy of the advertisement, List of Computer Diplomas for the post etc., the

Committee after detailed deliberation was of the considered opinion and recommended that any student with B.Sc. having studied Computer Science/Computer Application/IT subject or equivalent subject may be considered as equivalent to six months Computer Course Certificate required for the said post(s), which is also covered in the List of Courses mentioned at Sr. No.5 in the above-said memo as well as in the Advt.”

16. Similarly, since it is the contention of the counsel for the petitioners that they have a higher qualification, having studied computer in the degree course for six months or more, the matter ought to be placed before an expert body to look into the issue. Possessing higher qualification cannot be held against the petitioners by declaring them ineligible on the ground that they did not possess a six months certificate in computer.

17. In view of the aforesaid findings rendered by this Court, the ultimate result of the writ petitions is as under:-

CWP No.22948 of 2018	Dismissed.
CWP No.34119 of 2019	Disposed of. Qua petitioner No.1-Ankit Malik, Respondents are directed to reconsider the qualification of petitioner by obtaining an expert opinion (Registrar, MDU as has been done in CWP No. 13609 of 2020) with regard to equivalence of subjects studied by him in B.Com (vocational course) with six months course in computer within a period of two weeks from receipt of certified copy of this order and if found eligible and meritorious, his name be recommended for appointment to the post Auction Recorder by HSSC to the concerned department and appointment letter be issued to him forthwith. Needless to say that the petitioner will be entitled for all notional benefits. Petitioner No.2-Amit is held ineligible in the absence of detailed mark sheets establishing that he did his B.Com with vocational course.
CWP No.23047 of 2018	Disposed of. Respondents are directed to reconsider the qualification of petitioner by obtaining an expert opinion

	(Registrar, MDU as has been done in CWP No. 13609 of 2020) with regard to equivalence of subjects studied by him in B.Tech (Electrical & Electronics Engineering) as well as the Diploma done by him in Instrumentation & Control Engineering from Seth Jai Parkash Polytechnic, Damla (Yamuna Nagar) issued by Haryana State Board of Technical Education with six months course in computer within a period of two weeks from receipt of certified copy of this order and if found eligible and meritorious, his name be recommended for appointment to the post Auction Recorder by HSSC to the concerned department and appointment letter be issued to him forthwith. Needless to say that the petitioner will be entitled for all notional benefits.
CWP No.20841 of 2018	Dismissed.
CWP No.27292 of 2018	Dismissed. Detailed marksheets depicting subjects studied not attached.
CWP No.21908 of 2018	Disposed of. Respondents are directed to reconsider the qualification of petitioner by obtaining an expert opinion with regard to equivalence of subjects studied by him in B.E. (Electronic & Communication Engineering) with six months course in computer within a period of two weeks from receipt of certified copy of this order and if found eligible and meritorious, his name be recommendation for appointment to the post Mandi Supervisor-cum-Fee Collector by HSSC to the concerned department and appointment letter be issued to him forthwith. Needless to say that the petitioner will be entitled for all notional benefits.
CWP No.32398 of 2018	Disposed of. Respondents are directed to reconsider the qualification of petitioner by obtaining an expert opinion with regard to equivalence of subjects studied by him in B.Com (vocational course) with six months course in computer within a period of two weeks from receipt of certified copy of this order and if found eligible and meritorious, his name be recommendation for appointment to the post Mandi Supervisor-cum-Fee Collector by HSSC to the concerned department and appointment letter be issued to him forthwith. Needless to say that the petitioner will be entitled for all notional benefits.
CWP No.24062 of 2018	Disposed of. Respondents are directed to reconsider the qualification of petitioner by obtaining an expert opinion with regard to equivalence of subjects studied by him in B.Com (vocational course) with six months course in computer within a period of two weeks from receipt of certified copy of this order and if found eligible and meritorious, his name be recommendation for appointment to the post of Mandi Supervisor-cum-Fee Collector by HSSC to the concerned department and

	appointment letter be issued to her forthwith. Needless to say that the petitioner will be entitled for all notional benefits.
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(JAISHREE THAKUR)
JUDGE

June 02, 2023
Pankaj*

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