

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CWP-2528-2017 (O&M)
Date of decision:- 12.01.2023

Swati Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shilak Ram Hooda, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Govind Tanwar, Advocate and
Mr. Kanwal Goyal, Advocate,
for the respondent-Commission.

SUVIR SEHGAL, J. (Oral)

Instant writ petition has been filed under Article 226/227 of the Constitution of India *inter alia* for issuance of a writ in the nature of certiorari quashing impugned rejection order dated 17.01.2017, Annexure P-9 whereby candidature of the petitioner for the post of Assistant Professor in Zoology in ESM/DESM reserved category has been rejected. Further, prayer has been made for issuance of a direction to respondent authorities to permit the petitioner to provisionally appear in the interview for the post.

Heard counsel for the parties.

Concededly, the petitioner does not possess the requisite qualification of a Master Degree in the subject of Zoology. He possesses a Masters Degree in Bio-Chemistry which petitioner claims to be equivalent to Masters degree in Zoology.

Counsel representing HPSC-respondent No. 3 submits that the controversy in issue has been adjudicated by a Co-ordinate Bench of this Court in **CWP-2510-2017** titled as '**Surender Singh and others Vs. State of Haryana and others**' and by judgment dated 7.11.2022, a bunch of 8 writ petitions were dismissed wherein it was held as under:-

“ Keeping in view the above, it can be safely held that in respect of appointment to the post of Assistant Professor Zoology and Botany, the degree in the relevant subject would mean post graduate degree in Zoology and Botany respectively and appropriate qualification or an equivalent qualification of post graduate degree in Genetics or Human Genetics cannot be treated as eligible qualification. Once, the rules governing the service and the advertisement provides for only relevant qualification, the candidates with the equivalent qualification or appropriate qualification cannot be allowed to be treated eligible.

The decision of the respondent-State taken on 06.01.2017 to consider the candidates having equivalent qualification by placing reliance upon guidelines of the University Grant Commission cannot come to the rescue of the private respondents as even if qualification of the private

respondents is treated equivalent to the relevant subject, in the absence of any statutory provision granting them eligibility, keeping in view the rules governing the service and the terms and conditions of the advertisement, no benefit of equivalency for consideration for appointment can be given to the private respondents having post graduate degree in Genetic or Human Genetic. Even otherwise, also the said letter is contrary to the decision of the expert committee, which was convened by the Administrative Department. Decision of the experts of Maharishi Dayanand University, Rohtak as recorded on 30.11.2016 cannot be given importance as the said opinion is contrary to their earlier view and nothing has been mentioned as to why U-turn has been taken while recording the opinion on 02.12.2016, which has been appended as Annexure R/IV.

Keeping in view the above, decision of the respondent-State dated 06.01.2017, whereby the candidates having post graduate degree in Genetics or Human Genetics were treated eligible for appointment to the post of Assistant Professor in the subject of Zoology/Botany by treating the said qualification as equivalent, is set aside and the consequential selection of the private respondents having qualification of M.Sc. Genetics or M.Sc. Human Genetics is also set aside being contrary to the rules governing the

*service as well as the terms and conditions of the
Advertisement dated 16.02.2016 (Annexure P/4).”*

In view of above, no relief can be granted to the petitioner.

Petition is dismissed.

12.01.2023
Harish Kumar

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No