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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8065-2015 (O&M)

Date of Decision: 22.08.2023

Harpreet Kaur

. . . . Petitioner

Vs.

Subordinate Services Selection Board, Punjab

. . . . Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Kapil Kakkar, Advocate
 for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

CM-4043-CWP-2022

For the reasons mentioned in the application, the same is
allowed and the additional documents are taken on record.

CM-4041-CWP-2022

For the reasons mentioned in the application, the same is
allowed as prayed for. The main case is taken up today itself for hearing.

Main case

1. The petitioner by way of this petition has sought for quashing of order dt.17.03.2015 (P-7) whereby the candidature of the petitioner for selection and appointment on the post of Clerk has been rejected on the ground that she has passed her graduation from deemed university i.e. IASE, University, Sardarshahar, Rajasthan.
2. The case of the petitioner is that she had passed her 3 years BA course from the Institute of Advanced Studies in Education which is a deemed

university at Gandhi Vidhya Mandir, Sardarshahr. Thereafter, she also passed her B.Ed examination from Punjabi University. The petitioner participated in the selection conducted for the post of Clerk and was successful in the examination. However, the Secretary, Subordinate Services Selection Board has denied her selection on the ground that her examination centre for the examination was at Sirsa, Haryana while passing the graduation exam, and considering it to be a certificate obtained by Distance Education Board, the candidature of the petitioner was cancelled.

3. Learned counsel has taken the notice of this Court to the notification dt.25.06.2002 (P-11) issued by the Government of India, Ministry of Human Resource Development declaring the Institute of Advanced Studies in Education in Gandhi Vidya Mandir, Sardarshahar as deemed university for the purpose of section 3 of the University Grants Commission Act, 1956. Said notification has not been denied by the respondents.
4. Learned counsel submits that the deemed university stands automatically recognized for the purpose of employment both by the Central Government as well as by the State Government, and the respondents could not have denied her appointment.
5. *Per contra*, learned counsel for the respondent states that the University being a deemed university could not have been allowing distance education courses in terms of letter dt.11.02.2014 issued by the UGC and therefore the graduation course obtained by the petitioner cannot be taken into consideration as sufficient qualification for appointment as a clerk.
6. I have considered the submissions.

7. The UGC under section 3 of the UGC, Act 1956 is empowered to declare any institution as a university or as a deemed university. In both the circumstances, the students who pass out from such institution will be treated to have a recognized educational qualification to their credit.
8. The petitioner's educational qualification has been accepted for the purpose of her further studies and completing her B.Ed course also.
9. This Court finds that the entire basis of denial of appointment to the petitioner is solely because the deemed university had an examination centre set up at Sirsa. The respondents have confused the examination centre and a study centre as the same. While an examination centre may be at any place in any different State also, so far as study centres are concerned, they cannot be allowed to operate beyond the limits of that particular State where the University or the Deemed University is established. That means that unless there is a recognition for establishing a distance education programme, study centre beyond the State cannot be allowed to operate. However, in the present case, the petitioner has appeared in the examination from an examination centre at Sirsa as has been pointed out by the respondents themselves. The same has been equated to that of study centre to deny the petitioner her rightful claim which cannot be allowed. The action of the respondents therefore cannot be sustained in law.
10. The petitioner's qualification obtained from a deemed university has to be treated as fully recognized and accordingly as per her merit, she would be entitled for appointment as a clerk under the said advertisement where she applied and has passed the same.
11. It is admitted position that persons lesser in merit to the petitioner have already been given appointment. In view thereof, this Writ Petition is

allowed. The respondents are directed to consider the case of the petitioner for appointment on the post of clerk and her appointment shall be deemed from the date her juniors were appointed granting her the benefit of seniority and continuity of service from the said date. However the benefits shall be purely notional and actual benefits should be given from the date of passing of the present order.

- 12. Compliance shall be made within a period of one month from today.
- 13. Writ Petition stands allowed.
- 14. Pending application(s), if any, also stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

August 22, 2023
Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |