

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.6294 of 2017 (O&M)
Date of decision : 03.02.2023

Rajinder Kumar

..... Petitioner

versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Dheeraj Mahajan, Advocate for the petitioner.

Mr. Sehajbir S.Aulakh, Asstt. A.G., Punjab.

Mr. Gaurav Sharma, Advocate for
Mr. Ashish Verma, Advocate
for respondent No.3.

PANKAJ JAIN, J. (ORAL)

Petitioner by way of present writ petition has challenged order dated 19.01.2017 (Annexure P-8) whereby the candidature of the petitioner has been cancelled for not being in possession of requisite minimum qualification as prescribed under the public notice and the rules.

Respondent vide advertisement No.1/2016 dated 31.05.2016 invited applications for recruitment of Male & Female Constables in the pay scale of Rs.10300-34800+Grade pay 3200+other admissible allowances. As per the public notice the educational qualification prescribed read as under :-

“b) *Educational Qualification :*

Minimum educational qualification of 10+2 or equivalent from recognized educational board/university and candidate must necessarily with Punjabi or elective subject should have passed matriculation examination or have passed equivalent examination in Punjab Language.

In regard to ex-servicemen minimum education qualification will be matriculation.

In the interview-cum-personality test candidates must bring oneself attested copy of certificates alongwith original certificates and documents appended herewith.”

The petitioner is an ITI Diploma holder after Matric and admittedly does not possess qualification of 10+2. The petitioner claims through present writ petition that his diploma course has to be treated equivalent to 10+2. However, vide communication dated 06.12.2016 Punjab School Education Board, Mohali which is a Nodal Agency for imparting education of 10+2 in the State of Punjab has opined that the two years ITI course is not treated equivalent to Senior Secondary Examination held in the aegis of the Board. Relevant portion reads as under :-

“With regard to the information sought by you regarding the aforementioned subject it is stated that two years ITI course (Electrician) from the Punjab State Board Technical Educational and Industrial Training is not treated as equivalent to Senior secondary examination passed from Punjab School Education Board.”

Learned counsel for the petitioner has not been able to point out any right vested in the petitioner to seek mandamus to the Nodal Agency for such declaration. Apart from that once the Nodal Agency has opined that the two qualifications cannot be equated, this Court while exercising jurisdiction under Article 226/227 of the Constitution of India cannot issue such mandamus while exercising jurisdiction under Article 226.

Petition stands dismissed.

(PANKAJ JAIN)
JUDGE

03.02.2023

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No