



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CWP-4814-2020 (O&M)
Date of decision: 03.12.2024

Naveen

....Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Abhimanyu Singh, Advocate for the petitioner

Mr. Anil Chawla, Sr. Panel Counsel for the respondents-UOI

Ms. Tanisha Peshawaria, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for quashing the act and conduct of respondents to having considered the claim of the petitioner at the time of final selection for the post of Artificer Apprentice Submarine Specialization in Indian Navy on the ground that his educational certificate produced, were valid.

2. Learned State counsel draws the attention of the Court to the affidavit of Additional Director, Office of Director, Secondary Education, Haryana dated 14.11.2023, relevant paras whereof have been referred, which read thus:

“5. That the Deponent’s Department has already taken cognizance on the issue of fake Boards situated in the State of Haryana. That Board of School Education Haryana, Bhiwani vide its letter No. 8287 EW/A-3 dated 14.09.2020 intimated the School Education Department that certain unauthorized institutions had been conducting 10th and 12th Board examination and had been issuing invalid certificates for these classes. That the Department of School Education vide Memo No. 5/36-2020 SE (5) dated 23.10.2020 directed the Board of



School Education Haryana, Bhiwani to get an enquiry conducted through regional authorities (Deputy Commissioner/ Superintendent of Police) and intimate the department regarding this enquiry. That Board of School Education Haryana, Bhiwani vide its letter No. 9226 EW/A-3 dated 19.11.2020 intimated the Department of School Education that it had uploaded a public notice on its website notifying that Board of School Education Haryana, Bhiwani is the only State run board to conduct 10th and 12th board examination and open school examination. It was further intimated by the board that list of equivalent board which has been authorized to conduct 10th and 12th board examination has already been uploaded on the official website of the Board. That in continuation of letter No. 9226 EW/A-3 dated 19.11.2020 received from the Board, the Department of School Education vide Memo No. 5/36-2020 SE (5) dated 15.12.2020 directed all District Education Officers and District Elementary Education Officers to take action against persons involved in such Mafia/Gang, fake institution and to spread awareness among students and their parents in coordination with concerned BEO/BRC/CRC.

6. That Board of School Education Haryana, Bhiwani vide its letter No. 83/Sr.Sec. dated 24.03.2022 requested the Additional Director General of Police, Crime Investigation Department, Haryana Panchkula to take criminal action against fake boards. That name of respondent no.4 was mentioned as fake Board in this letter dated 24.03.2022 at Sr. no. 1.

7. That name of the Board in question i.e. Haryana Council of Open Schooling is not in the list of Boards which are recognized by the Board of School Education, Haryana, Bhiwani as equivalent (Supra).

8. That School Education Department vide memo no. 20/24-2023 SE (5) dated 25.09.2023 directed the Board of School Education Haryana, Bhiwani, District Education Officer, Rohtak and Superintendents of Police, Rohtak to inquire into the matter and initiate necessary action against Haryana State Council of Open Schooling, Rohtak and spread awareness among the students regarding fake boards.”

3. Learned counsel for UOI states that since the petitioner has not challenged the educational qualification as prescribed in the advertisement based on the rules and refers to the following paras of the counter filed, which read thus:

“5. That the required educational qualifications for AA, as mentioned at **Para-2(a)** of the advertisement is reproduced as under:-



"Qualified in 10 + 2 examination with 60% or more marks in aggregate with Maths and Physics and at least one of these subjects: chemistry/biology/computer science from the Boards of School Education recognized by MHRD, Govt. of India".

6. That the petitioner applied for Artificer Apprentice (AA), 147 batch and was shortlisted for recruitment examination. He cleared the written part of the examination, Physical Fitness Test (PFT) and was also found fit in the Preliminary Recruitment Medical Examination. Accordingly, the petitioner along with all other select list candidates was directed to report at INS Chilka vide letter dated 17.01.2020 to appear for Final Enrolment Medical Examination, scheduled on 05.02.2020.

7. That the enrolment procedure for sailors involves physical verification of educational certificates in original so as to ascertain their authenticity, genuineness, and validity in terms of recognition of education boards by Ministry of Human Resource Development, Government of India.

8. That during the verification of the educational qualification certificate of the petitioner it was observed that the petitioner had produced educational certificate of 10+ 2, issued by the "Haryana Council of Open Schooling", which is not a recognized education board of the Ministry of Human Resource Development, Government of India. Copy of the letter No. F.No.10-9/2017 Sch.3 dated 05.02.2018, issued by Ministry of Human Resource Development, Department of School Education and Literacy, Government of India, containing the list of Recognized Education Boards in India is annexed herewith at Annexure R-2.

9. That the allegation made by the petitioner that his educational certificate was not considered is false. It is submitted that the petitioner's educational certificate was properly considered and thoroughly examined before rejection of the same. His educational certificate was rejected as the same was not from a recognized education board. Para-2(a) of the advertisement refers in this regard.

4. Learned counsel for the petitioner has neither filed any replication nor been able to refute the above facts.

5. Hon'ble the Supreme Court in **State vs. Umesh Kumar**¹, while referring to the judgment in **Punjab SEB v. Malkiat Singh**², held that the mere inclusion of candidates in a selection list does not confer upon them a vested right

¹ (2010) 2 SCC 637

² (2005) 9 SCC 22

to appointment and in **Rakhi Ray vs. High Court of Delhi**,³ observed that empanelment simply establishes eligibility for consideration and under no circumstance equates to selection or creates an enforceable claim to the position, the process of filling vacancies must be conducted in alignment with statutory rules and constitutional principles.

7. On the aforesaid anvil and as a fall out thereof, the present petition being sans merit, is hereby dismissed.

(AMAN CHAUDHARY)
JUDGE

03.12.2024
M.Kamra

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

³ (2020) 10 SCC 448.