

In the High Court of Punjab and Haryana at Chandigarh

(108 +233)

**CM No.18265-CWP of 2023 in/and
CWP No.13312 of 2020(O&M)
Date of Decision: 23.10.2024**

Anjali

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vinod Kumar, Advocate for the petitioner.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

Ms. Gehna Vaishnavi, Advocate for respondent No.3.

Harsimran Singh Sethi, J. (Oral)

CM No.18265-CWP-2023

Exemption application is allowed as prayed for.

CM No.18272-CWP of 2023

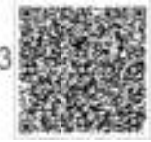
This application under Section 151 CPC has been moved by applicant/respondent No.3 for placing on record short reply along with Annexure R3-1.

The application is allowed.

Short reply along with Annexure R3-1 is taken on record subject to just exceptions.

CWP No.13312 of 2020

1. In the present petition, the grievance being raised by the petitioner is that the petitioner sought to compete for the post of Food Safety



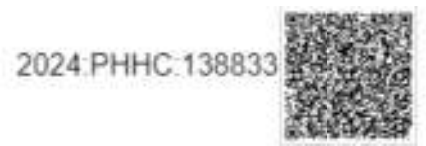
Officer as advertised vide Advertisement No.1 of 2020, copy of which has been appended as Annexure P-1 but the respondents have declared the petitioner ineligible on the ground that the petitioner does not fulfill the qualifications laid down therein so as to claim eligibility.

2. Learned counsel for the petitioner argues that the petitioner has Bachelor of Science (B.Sc.) Degree and while doing the B.Sc., one of the subjects which the petitioner has studied is also Bio-chemistry and, therefore, the petitioner's degree should be treated as a degree in Bio-chemistry.

3. Upon notice of motion, the respondents have filed the reply wherein they have stated that the qualification which the petitioner has is a simple B.Sc. Degree and not a degree in Bio-chemistry, which is entirely a different qualification, hence, the claim of the petitioner that she is eligible, is incorrect.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, it is a specific condition in the advertisement that in order to become eligible for the post of Food Safety Officer, a candidate has to have a degree in Bio-chemistry, which is an independent degree as compared to Bachelor of Science, the petitioner cannot claim eligibility only on the ground that one of the subject which the petitioner studied while obtaining the Bachelor's degree in Science, was Bio-chemistry as well. The studying of a particular subject, during obtaining a particular degree and obtaining degree in that subject, are entirely different.



6. Further, the employer is the best suited person to find out the eligibility of a candidate keeping in view the job profile of the post in question. Once, the respondents have already given their opinion that keeping in view the qualification which the petitioner has, she is not eligible for the post in question, the Courts will not like to interfere, unless and until, the interpretation being given by the respondents is such that the same cannot be accepted.
7. Keeping in view the facts and circumstances of the present case, and the reply filed by the respondents, the claim of the petitioner that she is eligible under the advertisement for the post of Food Safety Officer cannot be accepted, hence, no ground for interference by this Court in the impugned order dated 25.06.2020 (Annexure P-5) is made out and the present petition is accordingly dismissed.
8. Pending miscellaneous application, if any, also stands disposed of.

OCTOBER 23, 2024
d.gulati

(HARSIMRAN SINGH SETHI)
JUDGE

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