

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 13.02.2024

1. CWP No.24262 of 2011 (O&M)

Mandeep Cheetu
.....Petitioner
Versus
State of Punjab and others
.....Respondents

2. CWP No.7686 of 2012 (O&M)

Gurpreet Singh and others
.....Petitioners
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner(s) (in both the cases)

Mr. Jai Narain, AAG, Punjab.

None for respondents No.2 and 3.

Mr. H.K. Aurora, Advocate
for respondent No.5 (in CWP-24262-2011)

NAMIT KUMAR J. (Oral)

1. This order shall dispose of CWP No.24262 of 2011 and CWP No.7686 of 2012, as common questions of law and facts are involved therein for adjudication. For the sake of convenience, facts are taken from CWP No.24262 of 2011.
2. No one is present on behalf of the petitioner(s) in both petitions.
3. The instant writ petition has been filed by the petitioner(s) under Article 226/227 of the Constitution of India, seeking a writ of

certiorari, impugning the appointments made on 14.12.2011 of the private respondents to the post of Junior Engineer (Civil) advertised vide advertisement No.1 of 2011 by respondent No.2 – Chairman, Punjab Water Supply & Sewerage Board, Chandigarh and respondent No.3 – Managing Director, Punjab Water Supply & Sewerage Board, Chandigarh. Further a writ of mandamus has been sought for directing respondents No.2 and 3 to consider the candidature of the petitioner(s) for the abovesaid post since they are more eligible and better qualified as compared to private respondents No.4 to 6.

4. As per the averments made in the petition, the claim of the petitioner has been rejected on the ground that the petitioner has obtained his Diploma in Civil Engineering through correspondence course.

5. In the written statement filed by respondents No.2 and 3, it has been stated that the petitioner had obtained his Diploma through distant education from Institute of Advanced Studies in Education, Sardarshahar, Rajasthan which is not a prescribed qualification for the advertised post.

6. When the matter was taken up on 17.11.2023, it was stated by learned counsel for respondents No.2 and 3 that similar writ petition i.e. CWP No.10850 of 2011, has been dismissed vide order dated 22.07.2022. The order dated 22.07.2022 passed in the aforesaid writ petition, reads as under:-

“The petitioners are seeking direction to the respondents to consider them for promotion to the post of Junior Engineer (Civil).

Learned counsel for the petitioners submits that the

petitioners, who are working as Supervisors, had obtained diploma in Civil Engineering from Institute of Advanced Studies in Education (Deemed Univeristy, Sardarshahar, Rajasthan.

Learned counsel for the respondents while referring to the reply filed by the respondents states that the diploma obtained by the petitioners is through distance learning and not from a recognized institution. They had not sought any permission from the department nor taken any leave to pursue the diploma course.

Therefore, as the diploma obtained by the petitioner is through distance learning from non-recognized institution, I do not find any merit in the claim of the petitioners for consideration for promotion to the post of Junior Engineer.

Consequently, the petition stands dismissed.”

7. Although the said case relates to the promotion to the post of Junior Engineer (Civil), however, the principle ground taken therein that the Diploma obtained from the same institution i.e. Institute of Advanced Studies in Education (Deemed University), Sardarshahar, Rajasthan, is not recognized. Likewise, in present case, the petitioner is not found eligible as he is not having the prescribed qualification i.e. Diploma in Civil Engineering from recognized institution, therefore, in this view of the matter, the present writ petition is dismissed.

(NAMIT KUMAR)
JUDGE

13.02.2024
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No