



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(325)

CM-7638-CWP-2022 in/
CWP-18017-2015 (O&M)
Date of Decision : 25.11.2024

Baljinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anurag Goyal, Advocate for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

CM-7638-CWP-2022

Present application has been filed for issuance of appropriate direction to the respondents in terms of order passed in LPA No. 1215 of 2015.

Learned counsel for the petitioner submits that the writ petition was adjourned sine die for awaiting the decision in LPA No. 1215 of 2015 and now the said LPA has decided.

Notice of the application to the counsel opposite.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as made in the present application.



Keeping in view the averments made in the application, the same is allowed. Main writ petition is taken up for hearing today itself.

CWP-18017-2015

1. In the present petition, the grievance of the petitioner is that the degree which the petitioner has obtained from Eastern Institute for Integrated Learning in Management University, Sikkim (EIILM), in the year 2013 be treated as a valid degree for the grant of benefit of eligibility to the petitioner with regard to Advertisement No. 1 of 2014 (Annexure P-1) by which, 17 posts of Labour Enforcement Grade-II were advertised. The petitioner is claiming Graduation (B.A.) having done through Distance Mode Education from EIILM in the year 2013 be treated as a valid qualification so as to treat him eligible.

2. The claim of the petitioner for consideration to the post of Labour Enforcement Grade-II was rejected by the respondents on the ground that the petitioner is not eligible keeping in view the terms and conditions of the Advertisement (Annexure P-1) as the petitioner has not passed the Graduation from a recognized University as mentioned in the Advertisement.

3. After notice of motion, the respondents have filed the reply. Along with the reply, a letter of UGC of January, 2019 (Annexure R-4) has been appended, wherein, the UGC was on record to say that the EIILM University did not have the recognition to grant a valid Degree as obtained by the petitioner, on the basis of which the petitioner is claiming eligibility.

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



5. The only question is whether, the petitioner is eligible to compete for the post in question or not keeping in view the qualification prescribed. It is a conceded position that one of the qualification required as per the Advertisement is Graduation from a Recognized University.

6. Whether the said Graduation Degree obtained by the petitioner in the year 2013 from EIILM University is valid or not, is to be seen as per the pleadings. As per the letter issued by the UGC of January, 2019, a copy of which appended as Annexure R-4, the details with regard to the eligibility of the Degree obtained from EIILM University has been described by the UGC. The relevant portion of the said letter is as under :-

“4. EIILM University, Sikkim is a State Private University. It was recognized for one academic year i.e. 2009-10 to offer only three programmes through distance mode, namely (I) B.A. (Hospitality & Tourism), (ii) Bachelors in Computer Application (BCA) and (iii) Master’s in Business Administration (MBA). The recognition accorded to above University was only for one academic year 2009-10 which has expired. No further recognition has been accorded to above University. It is now not recognized to offer any programme through distance mode UGC. The year-wise recognition status of Universities approved to offer education through distance mode along with the approved programmes is already in public domain and can be assessed at UGC website www.ugc.ac.in/deb. For any assistance or complaint, you may approach Secretary, Higher Education, Govt. of Sikkim, Sikkim, since it is a State University. (Notices regarding EIILM University, Sikkim published on dated 08.09.2013 and 05.08.2015 are uploaded/available on UGC website www.ugc.ac.in/deb.)



Further the University has been dissolved by the State Government vide cabinet decision dated 28.04.2015.”

7. It may be noticed that keeping in view the said stand of the UGC, the Graduation Degree obtained by the petitioner in the year 2013 is not a valid Degree as per the terms and conditions of the Advertisement. Learned counsel for the petitioner has not been able to dispute the said fact.

8. Keeping in view the above, once the petitioner does not fulfill the requirement of the Advertisement qua essential qualification and the Degree of the petitioner was not recognized because of having acquired it through Distance Mode Education from EIILM University, no ground is made out for any interference by this Court in the present petition.

9. Dismissed.

10. Pending miscellaneous application, if any, also stands disposed of.

November 25, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No