



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

(215)

**CWP-24875-2017 (O&M)**

**Date of Decision : 09.08.2024**

**Himani Sharma**

**.. Petitioner**

**Versus**

**State of Punjab and another**

**.. Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. H.C. Arora, Advocate with  
Ms. Himani Sharma, Advocate  
for the petitioner.

Mr. Satnam Preet Singh, DAG, Punjab.

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**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present petition, the grievance being raised by the petitioner is qua the order dated 12.10.2017, copy of which has been appended as Annexure P-12 by which, the services of the petitioner have been terminated on the ground that the experience certificate submitted by her so as to seek appointment on the post in question was not countersigned by the competent authority, hence, the petitioner could not have been selected against the post of Vocational Mistress (Civil).



2. Certain facts needs to be mentioned for the correct appreciation of the issue in hand.

3. The respondent-Education Department, Government of Punjab, issued advertisement dated 23.09.2009, advertising 78 posts of Vocational Masters/ Mistress (Civil), out of which, 39 posts were meant for general category and 39 posts were reserved for various other categories. Keeping in view the qualification prescribed for the post in question, the petitioner applied and competed for the post of Vocational Master (Civil) but before selection process could be completed, a question arose as to whether, the petitioner who has diploma in Architecture, is to be treated eligible for the post of Vocational Mistress/Masters (Civil). The Selection Committee, keeping in view the fact that for the post in question, the Degree in relevant subject was required, the petitioner was treated eligible for the post in question and ultimately appointed by the respondent vide order dated 21.11.2011 (Annexure P-7).

4. After a period of three years of discharging duties on the post in question, the respondent department issued a show cause notice to the petitioner on 06.06.2014 alleging that the petitioner's eligibility is being doubted, hence, she should file the reply as to why the petitioner be not treated ineligible for the post in question keeping in view the qualification prescribed as the experience certificate submitted by her was not countersigned by the competent authority i.e. the Labour Inspector and the same was not dated also.

5. The petitioner filed the reply to the said show cause notice and



ultimately, vide impugned order dated 12.10.2017 (Annexure P-12), the petitioner was dismissed from service on the ground that the petitioner does not fulfill the criteria with regard to the experience as experience certificate submitted by her was not countersigned by the competent authority and the petitioner does not possess the required three years diploma in Civil Engineering so as to be considered eligible for the post in question. The said termination order is under challenge in the present writ petition.

6. In the reply filed, the respondents have taken the same stand as the one taken in the impugned order that as per the terms and conditions of the advertisement, the petitioner did not fulfill not only the educational qualification, but also did not submit the experience certificate duly countersigned by the competent authority.

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

8. Before proceeding further, the terms and conditions of the advertisement needs to be mentioned for the correct appreciation of the issue in hand. The same are reproduced as under :-

*“(ii) Vocational Master – Civil*

*Qualification; three year diploma of concerned branch from State Board of Technical Education with three year teaching experience or experience of practical work from government or recognized institute or reputed Institute which should be countersigned by the Competent Officer.”*

9. A bare perusal of the above reproduction would show that a three year diploma of the concerned branch from the State Board of



Technical Education with three year teaching experience or practical work experience from a government or a recognized institute or institute of repute, countersigned by the competent authority was required by a candidate in order to be eligible for the post in question. The petitioner possess three years diploma in Architecture.

10. Now, the first question which arise is whether the diploma in Architecture is to be treated relevant in the branch of the Civil Engineering or not? It may be noticed that the petitioner had attached the said diploma certificate along with her application form and before her selection to the post in question, the Selection Committee considered the said aspect and approved that the diploma in Architecture is also included in the branch of Civil Engineering and, hence, the petitioner was considered eligible and appointed to the post in question. Once, the respondents themselves considered the petitioner eligible having requisite qualification, turning around after a period of three years of appointment so as to take a contrary view is not justified.

11. Further, the petitioner has placed on record the curriculum while undergoing three years diploma in Architecture, which clearly envisages that the same is branch of Civil Engineering, which fact has gone un rebutted.

12. At this stage, Ld. Counsel for the petitioner submits that after the termination of the services of the petitioner, the post in question has now been re-designated as Vocational Mistress (Architecture) instead of Vocational Mistress (Civil) and even after the post in question has been re-



designated as Vocational Mistress (Architecture), it cannot be said that the diploma in Architecture was not valid for the said post in question which now stands re-designated as Vocational Mistress (Architecture). Factum that the post of Vocational Master /Mistress (Civil) has been re-designated as Vocational Masters/ Mistress (Architecture) has been conceded during the course of arguments by the learned State counsel after seeking instructions on the said actual aspect. That being the factual position, it cannot be said that the Selection Committee, which considered the aspect of the eligibility of the petitioner and found the petitioner eligible for the post in question, which recommendation of the Selection Committee was accepted by the State and the petitioner was appointed and allowed to continue in service for a period of three years, now turning around to say that the petitioner is ineligible for the post in question, is arbitrary and illegal and contrary to the action of the respondents themselves as the post is now Vocational Master / Mistress (Architecture).

13. Learned counsel for the respondents submits that another candidate, namely Ms. Anju Rani Prashar had approached this Court seeking eligibility on the basis of diploma in Architecture but her claim was rejected by this Court while passing order dated 10.01.2019 in CWP No. 20778 of 2011.

14. No doubt, the orders have been passed by the Co-ordinate Bench of this Court with regard to the candidates having diploma in Architecture for the post of Vocational Mistress (Civil), but the subsequent facts which have come into being that the post of Vocational Mistress/



Master (Civil) has now been re-designated as Vocational Mistress/ Master (Architecture), was not brought to the notice of the Coordinate Bench while passing the order in CWP No. 20778 of 2011. Hence, once the respondent themselves have re-designated the post of Vocational Master / Mistress (Civil) to that of Vocational Master / Mistress (Architecture) and on the date when order was passed by the Coordinate Bench, designation of the post is Vocational Master / Mistress (Architecture), it cannot be said that a candidate having diploma in Architecture is not eligible to hold that post. Relevant information was withheld from the Hon'ble Court, hence, the order passed by the Coordinate Bench cannot be pressed into operation so as to deny the benefit to the petitioner.

15. The second aspect, on the basis of which the services of the petitioner had been terminated, is that her experience certificate was not countersigned by the competent authority and there was no date mentioned on the said experience certificate. It may be noticed that as per the criteria prescribed in the advertisement, the experience certificate should be countersigned by the competent officer. The competent officer, would be, under whom a candidate has worked. In the present case, the petitioner was working with Naresh K. Khajuria & Associates, Consulting Surveyor Architect, Valuer, Municipal Council, Pathankot, and the Executive Head of the Municipal Council i.e. Executive Officer, had countersigned the experience certificate of the petitioner, which was submitted by her at the time of submission of application form. That being so, it cannot be said that the experience certificate submitted by the petitioner under the counter



signature of the Executive Officer is to be treated as invalid and the argument of the learned counsel for the respondent that the experience certificate should be countersigned only by the Labour Inspector, cannot be accepted, as in the advertisement itself it was mentioned that the experience certificate should be countersigned by the competent authority of the department concerned. Therefore, it cannot be said that the experience certificate submitted by the petitioner was not countersigned by the competent authority so as to oust the petitioner from service after rendering more than three years of service.

16. The last argument which has been raised by the learned State counsel is that the experience certificate submitted was countersigned but was not dated hence, it could not be verified also whether the same has been countersigned prior to the last date or submission of application form or not. It may be noticed that the experience certificate which was submitted by the petitioner, was submitted along with the application form, which application was submitted before the last date hence, it cannot be said that the counter signatures by the Executive Officer were after the last date for submission of the application form. Even otherwise, a subsequent certificate of the Executive Officer has also been submitted certifying that the experience certificate was countersigned by him, but inadvertantly, the date was not mentioned and even the date on which the said experience certificate was countersigned was mentioned, which date was prior to the last date of submission of the application form.

17. Keeping in view the above factual position, the grounds which



have been taken by the respondents to terminate the services of the petitioner on the the ground of ineligibility, are not correct and cannot be accepted. Accordingly, the impugned order dated 12.10.2017 (Annexure P-12) is set aside and the respondents are directed to reinstate the petitioner in service.

18. At this stage, learned counsel for the petitioner very fairly submits that the petitioner is only interested in job and will forgo her arrears of salary, in case, she is given continuity of service. Learned counsel for the petitioner further submits that the employees who were appointed on the post of Vocational Mistress (Civil) along with the petitioner in pursuance to the same advertisement, have already been regularised in service hence, respondents be also directed to grant the same benefits to the petitioner as well.

19. Keeping in view the fact that the petitioner gractiously and voluntarily stated that she is only interested in job and not the back wages, upon reinstatement, the petitioner be given continuity of service from the date of her initial appointment along with all consequential benefits, except the arrears of salary from the date the petitioner's services were terminated till today. The petitioner is directed to be reinstated in service within a period of seven days from today so that petitioner does not loose her salary henceforth.

20. Further, the respondents are directed that in case, any of the employee, who was also selected in pursuance to the same advertisement, and his/her services have been regularized, the same benefit be extended to



the petitioner as well by passing appropriate order.

- 21. Present petition is allowed in the above terms.
- 22. All pending applications, if any, stand disposed of accordingly.

09.08.2024  
Satyawar

(HARSIMRAN SINGH SETHI)  
JUDGE

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