



CWP No. 315-2022 -1-

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

**CWP No.315-2022 (O & M)
Date of Decision:09.12.2025**

Radhey Shyam

....Petitioner

VS.

State of Haryana and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Bhupinder Malik, Advocate
for the petitioner

Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana

Dr. Naresh Kaushik, Advocate,
Mr. Pankaj Attri, Advocate and
Mr. Mahesh Inder Preet, Advocate for respondent No.4

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to award 3 marks for possessing Masters Degree in Computer Application.

2. The petitioner pursuant to advertisement dated 15.06.2021 applied for the post of Sub Inspector. As per advertisement, a candidate possessing Masters Degree in Computer Engineering/Science was entitled to three additional marks. The relevant extracts of the advertisement read as:-

“Additional qualification:(10% weightage):- (10 Marks)

(a) All candidates who have qualified the Physical Measurement Test shall be called for scrutiny of



documents. All other candidates shall stand eliminated from further process of selection.

- (b) **i) For Sub-Inspector:-** Education (maximum 07 marks): 04 Marks for the candidate with higher education i.e. a Graduation degree in Law, Computer Engineering/Science, Forensic Medicine, Forensic Science, Police Science and Criminology (which take 04 or more years after 10+2 to get a specialized degree) issued from a recognized university and additional three (03) marks for a Post Graduate degree in any of the aforementioned streams issued from a recognized university. No equivalent degrees shall be considered.

Candidates with a Post Graduate degree in any stream other than the ones mentioned above shall get no extra marks. However, the candidates having a degree over and above their Post Graduation e.g. M. Phil or Ph. D in streams other than the ones mentioned above will get additional three (03) marks.

- (C) NCC Certificate (maximum 03 marks): Candidate having NCC certificate of A, B or C level shall get 01, 02 and 03 marks respectively (for both constables and Sub-Inspector).

Note *Candidate should produce certificate upto cut of date and same should be uploaded with application form. Only uploaded certificate shall be considered at the time of Scrutiny.”*

3. The petitioner claims that he studied three years modular course which comprised PGDCA, M.Sc.(Computer Science) and MCA. As per said programme, the student leaving course after successful completion of first year are entitled to Post Graduate Diploma in Computer Application, the



students leaving course after successful completion of second year are entitled to Degree of M.Sc. (Computer Science) and students completing three years' course are entitled to Degree of MCA. As per respondent, a candidate possessing Degree of M.Sc. (Computer Science) is entitled to 3 additional marks. The petitioner completed three years' modular programme, thus, was awarded Degree of MCA. Had he left the course after two years, he must have been awarded Degree of M.Sc. (Computer Science). It would be travesty of justice if petitioner is denied additional marks on the ground that he had completed the course instead of leaving mid way.

4. Learned State counsel submits that Division Bench of this Court has declared socio economic criteria invalid, thus, entire result is required to be revised, however, State has filed review application which is still pending. He further submits that Court cannot compare one degree with another degree to determine eligibility. The petitioner was possessing degree of MCA whereas requisite degree was of M.Sc. (Computer Science), thus, he cannot be awarded three marks for higher degree.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. From the perusal of record, it is evident that petitioner joined integrated course. As per integrated programme, he was entitled to Post-Graduate Diploma in Computer Application on completion of one year. He was entitled to Degree of M.Sc. (Computer Science) on completion of two years' course. On completion of three years' course, he was entitled to Degree of M.C.A. The respondent has awarded additional three marks to



candidates who were possessing degree of M.Sc. (Computer Science). Had petitioner left his course after two years, he must have been awarded Degree of M.Sc. (Computer Science). He did not leave course midway and completed three years integrated course, thus, was awarded Degree of M.C.A. It would be travesty of justice and injustice with petitioner if he is not awarded three additional marks despite completing three years integrated course which entail awarding of Degree of M.C.A. Degree of M.Sc. (Computer Science) was inbuilt in Degree of M.C.A., thus, for all intents and purposes, he was M.Sc. (Computer Science) as well as Master of Computer Application. He was certainly entitled to three additional marks on the basis of higher qualification.

7. The petitioner is not claiming equivalence. The stand of respondent could be justified had the petitioner claimed equivalence whereas he is claiming and has established that he is possessing degree of M.Sc. (Computer Science) besides Masters degree in Computer Application. Case of petitioner is squarely covered by recent judgment of Hon'ble Supreme Court passed in *Laxmikant Sharma Vs. State of Madhya Pradesh & Ors.*, **2025 SCC OnLine SC 2712** where the Court has held that insisting solely on the title of the degree, without considering the actual curriculum, amounts to elevating form over substance. The law does not compel such an interpretation. The requisite degree must be understood contextually and purposively.

8. In the wake of above discussion and findings, this Court is of the considered opinion that instant petition deserves to be allowed and is accordingly allowed.

9. The respondent shall revise petitioner’s merit after granting three additional marks. As conceded by counsel, on instructions from the petitioner, the date of joining of the petitioner shall be his date of appointment for all intents and purposes. The appointment of the petitioner shall not affect appointment of respondent No.4 because he has already served for more than two years. His removal, at this stage, would ruin his personal and family life. The needful shall be done within two months from today. If the respondent finds that no post is available, a supernumerary post shall be created for the petitioner.

(JAGMOHAN BANSAL)
JUDGE

09.12.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	