



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

LPA-3-2008

Date of decision: 18.02.2025

SHIV RAM CHAUHAN

....Appellant

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. D.R. Bansal, Advocate
for the appellant.

Mr. Saurabh Mohunta, DAG, Haryana.

SANJEEV PRAKASH SHARMA. J.(Oral)

1. The issue raised in the present LPA is no more *res integra*, keeping in view the judgment passed by the Division Bench of this Court in the case of ***Nek Singh and Others Vs. State of Haryana and Others, 2005 (1) RSJ 562***, wherein, the Co-ordinate Bench of this Court held as under:-

“ 5. In view of the above, it is apparent that the judgment rendered by this Court in *Karsil Kaur's case (supra)* would be deemed to be enforceable in terms of the policy instructions dated 12.2.1984 i.e. till the date of issuance of the subsequent policy instructions, but not thereafter. The assessment on recognition/equivalence for qualifications acquired after 2.11.1999 will have to be rendered *de novo* under the latter instructions. The only possible conclusion on the basis of the determination recorded in the foregoing paragraph is that all those candidates who had qualified the two years diploma course in Art & Craft Training from the Punjab State Board of Technical Education and Industrial



*Training prior to 2.11. 1999, and all such candidates who had been admitted and enrolled to the aforesaid course prior to the issuance of the policy instruction dated 2.11.1999 alone would be eligibility for consideration against the advertised posts. The latter conclusion draws support from the decision rendered by the Apex Court in **Suresh Pal vs. State of Haryana**, AIR 1987 Supreme Court 2027.*

6. *In view of the above, the instant writ petition is disposed of with a direction to the respondents to treat all the petitioners who had either qualified the two years diploma in Art & Craft Training from the Punjab Technical Education and Industrial of all the petitioners in view of the determination rendered hereinabove, and all such petitioners who are found eligible shall be subjected to interview, so as to consider their claim for appointment against the advertised posts of Art and Craft Teachers*

Disposed of in the aforesaid terms.

Order dasti on payment of usual charges.”

2. The order passed by the Division Bench of this Court was thus a judgment to be applied to all, however, we find that although this case is pending since 2002, the respondent-State did not grant the same benefit to the petitioner. Although the petitioner too has passed the two years Art and Craft diploma from the Punjab State Board of Technical Education and Industrial Training, it appears that the judgment was not brought to the knowledge of this Court. The appellant has already joined in terms of the appointment letter dated 30.12.2000 with the aided institution and was therefore, required to be confirmed on the said post. On account of the objection raised, the petitioner was denied confirmation. However, no positive order or direction can be issued by this Court to reinstate the petitioner in the present case, as it is confirmed that he was removed from service on 09.01.2008, in view of the fact that the school itself was closed.



- 3-

3. It is further informed that the order of removal is already under challenge before this Court in separate writ petition No.11758 of 2020, which is pending before the Single Bench. We therefore need not pass any order to the said effect and dispose of this LPA, declaring that the petitioner was entitled to be confirmed on the basis of educational qualification. However, his subsequent removal has not been examined by us in the present LPA and we leave it open to advance arguments in the said case.

4. With the above observations, we dispose of this LPA.

5. Pending application(s), if any, stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(KIRTI SINGH)
JUDGE

18.02.2025

Amandeep

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No