

CWP-1405-2017 & connected cases-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207 (3 cases)CWP-1405-2017
Date of Decision:10.11.2025

Jaskaran Singh...Petitioner

Versus

State of Punjab and others...Respondents

With

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-5298-2017	Amandeep Singh and others	State of Punjab and others
3.	CWP-756-2017	Mandeep Singh	State of Punjab and others

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Kapil Kakkar, Advocate for the petitioner(s)
(in CWP-1405-2017 & CWP-756-2017)
Mr. Manthan Pathania, Advocate for
Mr. B.S. Bajwa, Advocate for petitioner
(in CWP-5298-2017)
Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from CWP-1405-2017.
2. On 13.05.2025, this Court passed the following order: -

“Mr. Aman Dhir, DAG, Punjab submits that issue involved in instant petitions stands settled by Division Bench of this Court in LPA-1453-2019 titled as Gurpreet Singh and another vs. State of Punjab and others, decided on 17.09.2019.



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Mr. Kapil Kakkar seeks short accommodation to address the arguments.

Adjourned to 14.07.2025.

To be taken up after urgent matters.

Photocopy of the order be placed on the file of connected cases.”

3. The petitioner, pursuant to Advertisement No.2/2016 dated 08.09.2016, applied for the post of Sub-Inspector in the Intelligence Wing. In the advertisement, educational qualification was prescribed. Para 5(C) of the advertisement reads as: -

“C. Educational Qualification:

The minimum educational qualification for direct recruitment as Intelligence Officers (in the rank of Sub-Inspectors) shall be as defined in Appendix 'B' (Sr. No. 01) of Punjab Intelligence Cadre (Group 'C') Service Rules, 2015 as amended by the Punjab Intelligence Cadre (Group 'C') Service (First Amendment) Rules, 2016:

(a) Should be a graduate from a recognized university or institution, as the case may be, provided that such candidate should also possess an 'O' Level Certificate of Information Technology from Department for Electronics Accreditation of Computer Course (DOEACC) or National Institute of Electronics and Information Technology (NIELIT) or its equivalent institution recognized by the Government of India or any State Government;

OR

(b) B.Sc/B.Tech./BE in Information Technology or Computer Science or Information Systems or B.C.A or Post Graduate Diploma in Computer Applications from a recognized university or institution, as the case maybe.”

4. The petitioner has passed B.Tech (Electronic and Communication Engineering) and possesses three years diploma in

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Computer Engineering from Punjab State Board of Technical Education and Industrial Training. He claims that three years diploma in Computer Engineering is equivalent to 'O' Level Certificate contemplated in the advertisement. The respondent has rejected his claim on the ground that there is no provision of equivalence in the advertisement, thus, any qualification other than prescribed cannot be considered.

5. Learned counsel for the petitioner submits that qualification of the petitioner is better than prescribed in the advertisement. The Court may direct State Government to constitute a committee of experts to examine qualification of petitioner *vis-a-vis* prescribed in the advertisement. If the petitioner is possessing better qualification, he should not be ignored.

6. *Per contra*, learned State counsel submits that petitioner may be possessing better qualifications than prescribed in the advertisement, however, advertisement was sacrosanct and its terms and conditions could not be ignored.

7. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

8. Hon'ble Supreme Court in ***Ankita Thakur and others v. H.P. Staff Selection Commission and others, 2023 SCC OnLine SC 1472*** has adverted to different question including:

- (i) Relaxation in the essential eligibility qualification, post the last date fixed for receipt of application from the candidates; and

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- (ii) Validity of holding qualification other than prescribed by advertisement though allegedly higher.

The Hon'ble Supreme Court in *Ankita Thakur (supra)* with respect to relaxation of essential eligibility qualification post last date fixed for receipt of application form held that power to relax the eligibility criteria can be exercised, if such power is reserved in the advertisement. If this power is exercised, there must be wide publicity of its exercise so that persons likely to be affected must get opportunity to apply and compete. With respect to validity of holding qualification other than prescribed by the rules or advertisement, the Court has held that in the absence of rules or advertisement, qualification may be higher or equivalent to the one specified, cannot be entertained and candidature of the applicant shall be rejected.

9. The petitioner does not possess qualification prescribed in the advertisement. He may be possessing higher qualification, however, in the absence of specific provision in the rules or advertisement, this Court cannot direct respondent to consider any qualification other than specified one.

10. There is another aspect of the matter. The advertisement in question was issued in 2016 and the candidates were selected in 2017. A period of 8 years from the date of completion of selection has passed away. The post of Sub-Inspector is a public post to which a lot of responsibilities are attached. Physical and mental fitness is of paramount consideration in Police Force. The petitioner cannot be expected of having fitness as postulated for Sub-Inspector at the time of initial selection.

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11. In wake of above discussion and findings, this Court is of the considered opinion that present petitions deserve to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

10.11.2025
Mohit Kumar

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