



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

CWP-37123-2025

Date of decision: 11.12.2025

Jamil Ahmad

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashwani Talwar, Senior Advocate with
Mr. Lalit K. Narang, Advocate,
Mr. Nikhil Sehrawat, Advocate and
Mr. Deepak Goyat, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl.A.G., Haryana

Mr. Vikrant Pamboo, Advocate
for respondents No.2 & 3.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the impugned rejection order dated 09.12.2025 (Annexure P-1) communicated through e-mail, as well as the provisional rejection dated 05.12.2025 (Annexure P-10), whereby the candidature of the petitioner for the post of Assistant Environmental Engineer (Group-B) has been rejected on the ground of not possessing a regular degree in Engineering. The petitioner further seeks a writ in the nature of Mandamus directing respondent No. 3 to declare the petitioner as an eligible candidate in the BC-A (Non-Creamy Layer) category on the basis of his qualification of AMIE Section A & B in Civil Engineering and to provisionally permit him to appear in the interview/viva-voice scheduled for 10/11.12.2025.



2. Learned counsel for the petitioner *inter alia* contended that respondent No. 3 published Advertisement No. 20/2025 dated 13.08.2025 (Annexure P-2), inviting applications for direct recruitment to the post of Assistant Environmental Engineer (Group-B) in the Haryana State Pollution Control Board. The petitioner, being fully eligible, applied for the said post under the BC-A (Non-Creamy Layer) category well within time.

3. It is submitted that the petitioner was issued an Admit Card and appeared in the Screening Test on 02.11.2025, which he successfully qualified vide result dated 11.11.2025. Subsequently, he appeared in the Subject Knowledge Test on 25.11.2025 and was declared qualified vide result dated 02.12.2025. However, to his utter shock, respondent No. 3 issued an announcement and e-mail dated 05.12.2025 (Annexures P-10 & P-11) provisionally rejecting his candidature. The petitioner submitted a detailed representation dated 06.12.2025 (Annexure P-12) along with requisite documents, yet respondent No. 3 summarily rejected his candidature vide the impugned order dated 09.12.2025 (Annexure P-1) on the grounds that he had not submitted proof of a “full-time regular Bachelor Degree in Engineering” and proof of “first division in B. Tech/B.E.”

4. Learned counsel for the petitioner vehemently argued that the rejection is illegal and arbitrary as the petitioner possesses the qualification of AMIE Section A & B in Civil Engineering from the Institution of Engineers (India), Kolkata, obtained in the year 2020-21. He contends that this qualification is duly recognized by the Government of India vide Gazette Notification dated 16.01.2006 (Annexure P-3) and, crucially, by the Government of Haryana vide Notification dated 19.12.2023 (Annexure P-4), as



equivalent to a Degree in Engineering. Furthermore, the petitioner secured 83.93% marks in his AMIE examination, which clearly satisfies the criteria of “First Division”. Therefore, relying on the notification dated 19.12.2023, learned counsel argued that the petitioner’s AMIE qualification must be treated as equivalent to a regular degree, and the rejection of his candidature violates Articles 14 and 16 of the Constitution of India.

5. *Per Contra*, learned counsel for the respondents *inter alia* contends that the case is squarely covered by the judgment of this Court in **CWP-8363-2024**, titled as '**Sat Paul and others v. State of Haryana and others**', decision dated 09.09.2025 and therefore, the present petition deserves to be dismissed.

OBSERVATION & ANALYSIS

6. Having heard the learned counsel for the parties and perusing the record with their able assistance, it transpires that vide advertisement dated 13.08.2025 (Annexure P-2), respondent no.3 invited applications for **direct recruitment** to the post of Assistant Environmental Engineer (Group-B) in the Haryana State Pollution Control Board and the following educational qualifications were prescribed:

“2. ESSENTIAL QUALIFICATIONS:

i) **Full time regular Bachelor Degree in Engineering** in first division in Civil / Chemical/ Environmental Engineering.

ii) Hindi/Sanskrit upto Matric or Higher Standard

Pay Scale:- Level-9 Rs. 53100-167800/-

Note:-

1. The qualifications of these posts are as per the relevant Service Regulations. The candidates should ensure that they possess the qualifications mentioned in the advertisement. **No claim of any candidate regarding equivalent qualifications would be considered.**”

(Emphasis supplied)



7. A bare perusal of the essential qualifications given in the advertisement shows that a candidate must possess a “***Full time regular Bachelor Degree in Engineering in first division.***” Furthermore, the advertisement explicitly states that “***No claim of any candidate regarding equivalent qualifications would be considered.***” However, the petitioner claims to possess the qualification of AMIE Section A & B in Civil Engineering from the Institution of Engineers (India), Kolkata and asserts that this qualification is duly recognized by the Government of India vide Gazette Notification dated 16.01.2006 (Annexure P-3) and, crucially, by the Government of Haryana vide Notification dated 19.12.2023 (Annexure P-4), as ***equivalent*** to a Degree in Engineering.

8. The Division Bench of this Court in ***CWP-1640-2008*** titled as ‘***Kartar Singh v. Union of India and others***’, decision dated 06.11.2012 had considered the issue of whether an Associate Member of the Institution of Engineers (AMIE) can be treated to be possessing a Degree in engineering, making the holder of such member eligible for promotion and/or direct recruitment to public employment, where the qualification prescribed is Degree in Engineering. The Institution of Engineers is a body incorporated by a Royal Charter, which has the force of a Statute and Bye-laws of the Institute of Engineering have been framed by Corporate Members in terms of Clause 19 of the Royal Charter. The Division Bench of this Court examined the relevant provisions of the Royal Charter and the Bye-laws and held that qualification of AMIE is relevant only for the purposes of promotion and not for direct recruitment, as an Associate Member becomes eligible for Membership only if he is engaged in engineering profession. It must be pointed out that the



judgment of this Court in *Kartar Singh (supra)* has been affirmed by the Hon'ble Supreme Court in *Orissa Lift Irrigation Corpn. Ltd. v. Rabi Sankar Patro, (2018) 1 SCC 468* and *Institution of Mechanical Engineers (India) v. State of Punjab, (2019) 16 SCC 95*. Relevant paragraphs of the judgment of this Court in *Kartar Singh (supra)* are reproduced as under:

“202. In terms of such Charter, Bye-Laws and Regulations, the Institution of Engineers conduct examinations for in-service diploma holders, as such institution has been established to promote the general advancement of engineering and engineering sciences. The All India Council for Technical Education Act, 1987, does not act to repeal, abrogate or vary the earlier statute, the statute incorporating Institution of Engineers. Therefore, the certificates granted by such Institution have been rightly declared to be equivalent by the Central and the State Governments to the degree course. The AMIE has been declared equivalent to degree course for the purposes of promotion and not for the purposes of direct recruitment. Such classification cannot be said to be illegal or unwarranted in any manner. It is for the State to consider the equivalence of Section 'A' & 'B' examinations conducted by the Institution of Engineers. Therefore, we do not find that there is any justification in seeking equivalence to the degree for the purposes of direct recruitment or that the said examination and the membership cannot be rated as equivalent to the degree course for the purpose of promotion.

203. In view of the above provisions of the statute, we respectfully endorse the view taken by the Division Bench in Jagtar Singh's case (supra) that qualification of AMIE is relevant for the purposes of promotion and not for direct recruitment, as an Associate Member becomes eligible for Membership only if he is engaged in engineering profession.”

(Emphasis supplied)

9. Furthermore, the Division Bench of this Court in *LPA-863 of 2023*, titled as ‘*Tarsem Lal Garg v. State of Punjab and others*’, decision dated 02.08.2023, has held that where the relevant rules prescribe the essential qualification as “Degree in Engineering” and there is an express and unambiguous exclusion of an equivalent qualification, then this Court cannot



read the equivalent qualification into the Rule by implied inclusion. The Court had observed as follows:

“8. From a further perusal of afore quoted Appendix 'B' it is also clear that for promotion to the post of Superintending Engineer, the prescribed qualification is "Degree in Engineering" and that these Rules do not recognize any other equivalent qualification. It is not disputed by the learned counsel for the appellant that AMIE Certificate is not a Degree. Thus, it has rightly been held by the learned Single Judge that from "the Scheme of Rules is clear that at the stage of SDO level an AMIE Certificate holder has been made eligible for appointment by way of promotion. On to the next step in the hierarchical system i.e. Executive Engineer they have been equated to Degree holders as the Rule prescribes Degree in Civil Engineering or its equivalent qualification. At this stage diploma holders have been weeded out. For the next step i.e. for Superintending Engineer, the Rule prescribes only a degree-holder, consciously a person possessing equivalent qualification has been left out."

9. The learned Single Judge has further rightly held that once there is an express exclusion of an equivalent qualification and the Rule is unambiguous, then the equivalent qualification cannot be read into the Rule by implied inclusion, as the law, in this regard is well settled that till the Court finds a provision to be ambiguous, it cannot read into the same and in this context has rightly placed reliance upon the decision of Hon'ble Supreme Court in State of Jammu & Kashmir v. Shri. Triloki Nath Khosa and others, (1974) 1 SCC 19.

10. It appears that regarding the senior post of Superintending Engineer, the Rule Making Authority in its wisdom chose to provide the required educational qualification of only Degree in Engineering (Serial No.5 of Appendix 'B') with the purpose to permit only formally qualified Degree holders in Engineering to occupy such post. When the requisite Rules regarding promotion clearly prescribe for a specific qualification of holding a Degree in Engineering and do not recognize any equivalent qualification then only the prescribed eligibility condition is required to be strictly adhered to especially when there is no challenge to the virus of the Rules."

(Emphasis supplied)

10. Moreover, it is trite law that Courts must not to interfere in recruitment process when the advertisement qua the same is clear and within the legal framework. It is the prerogative of the employer to lay down an



eligibility criterion as it alone can best judge suitability of a candidate for the advertised role. A two-Judge bench of the Hon'ble Supreme Court in ***Maharashtra Public Service Commission through its Secretary vs. Sandeep Shriram Warade and others (2019) 6 SCC 362***, speaking through Justice Navin Sinha, has made the following observations in this regard:

*“10. The essential qualifications for appointment to a post are for the employer to decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. **It is the employer who is best suited to decide the requirements a candidate must possess according to the needs of the employer and the nature of work. The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being at par with the essential eligibility by an interpretive re-writing of the advertisement. Questions of equivalence will also fall outside the domain of judicial review. If the language of the advertisement and the rules are clear, the Court cannot sit in judgment over the same.** If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to proceed in accordance with law. In no case can the Court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same.”*

(emphasis supplied)

11. In the present case, the advertisement (Annexure P-2) expressly states that the essential qualification for *direct recruitment* to the post of Assistant Environmental Engineer (Group-B) in the Haryana State Pollution Control Board is a full time regular Bachelor Degree in Engineering in first division. It is further expressly stated in the advertisement that a claim of any candidate regarding equivalent qualifications would be not considered. Thus, in the absence of any ambiguity, this Court cannot read the equivalent qualification into the advertisement by implied inclusion. Moreover, the division Bench of this Court in ***Kartar Singh (supra)*** has already clarified that



the qualification of AMIE is relevant only for the purposes of promotion and not for direct recruitment.

12. The petitioner in the present case also places reliance upon the Notification dated 19.12.2023 (Annexure P-4) vide which it was decided by the State Government that qualifications i.e., Diploma/Degree awarded by professional bodies/institutions duly recognized by MHRD upto 31.05.2013 are valid only for students who were enrolled upto 31.05.2013. The scope and import of the aforesaid notification was considered at length by this Court in *Sat Paul (supra)*. Relevant paragraphs of the judgment are reproduced as under:

*“22. Palpably, the Hon’ble Supreme Court in IME case (supra) has clarified that respondent-IME does not possess any valid regulatory mandate to impart technical education. Rather, the judgment rendered by the Division bench of this Court in Kartar Singh v. Union of India, 2012(4) SCT 741 has been affirmed while holding that respondent-IME cannot confer degrees as a matter of right, nor can it claim that the certification granted by it must be reckoned to be equivalent to a Degree in Mechanical Engineering. **Further, the exception created in favour of central government employees, who have claimed benefits in service on the basis of certificates awarded by respondent-IME, by prescribing a cut-off date i.e. 31.05.2013, is primarily based upon the notification dated 06.12.2012 (Annexure P-6) issued by the Ministry of Human Resource Development.***

23. Further still, the Hon’ble Supreme Court has perceptibly observed that respondent-IME does not claim to provide technical education through distance learning by conducting regular classes; rather, it merely conducts bi-annual examinations and issues certificates to those who pass. As such, when viewed in light of the ruling of the Hon’ble Supreme Court in the Orissa Lift (supra), respondent-IME stands on a significantly lower footing compared to the deemed-to-be universities considered therein.

24. While purportedly relying on the IME case (supra), the Chief Secretary of Government of Haryana issued the impugned instructions dated 19.12.2023 (Annexure P-37), whereby the Diplomas/Degrees awarded by professional bodies/institutions duly recognised by the



Ministry for Human Resource Development upto 31.05.2013 were declared to be valid with respect to the students enrolled upto 31.05.2013. In view of the said executive instructions (Annexure P-37), the respondent- Corporation ordered the reversion of the petitioners to their feeder posts, as the private respondents, IME diploma holders, became eligible to claim the promotion they previously were ignored for. As such, the private respondents were promoted retrospectively, with effect from the year 2013 i.e. when they were supposed to be originally considered, and in doing so, they attained seniority over the petitioners.

25. It is evident that the Hon'ble Supreme Court did not intend to equate the certificates issued by respondent-IME with degrees or diplomas for all individuals and a limited one time exception was carved out for central government employees, by setting a cut-off date in terms of the notification dated 06.12.2012 (Annexure P-6). It was never intended that the same may be used as a precedent to create further exceptions. Any other elucidation and import is clearly erroneous as ratio decidendi of a judgment must be culled out from reading it in its entirety and not from a part thereof. Therefore, this Court is of the considered opinion that the Chief Secretary has erred in issuing impugned instructions dated 19.12.2023 (Annexure P-37), as any other interpretation contrary to the one adopted and intended by the Hon'ble Supreme Court in IME case (supra), would fall foul of the law laid down therein. Further, the promotion granted to the private respondents at a belated stage, by undoing the same for the petitioners, amounts to a violation of the spirit and purpose of the judgment rendered in IME case (supra). It is inconceivable that the Hon'ble Apex Court intended for it to be interpreted in a manner that would result in stripping the petitioners of the benefits legitimately accrued to them in terms of instructions dated 29.12.2004 (Annexure P-1), as they possess valid three-year regular diplomas in engineering. This Court cannot allow the private respondents to steal a march over the petitioners on the basis of certificates obtained from respondent-IME, which has consistently failed the judicial scrutiny of constitutional courts in the cases of Kartar Singh (supra), Orissa Lift (supra), and IME (supra).

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29. The Hon'ble Supreme Court in IME case (supra) has also emphasized the importance of the fact that the power to grant equivalence must be exercised in accordance with the relevant statutory provisions. Speaking through Justice U.U. Lalit, the following was held:

“41. In the present case, the communication dated 26.05.1976 under which the Certificate issued by the appellant was recognized to be equivalent to a Degree in Mechanical Engineering from a



recognized Indian University, does not indicate any statutory provision under which such equivalence could be granted or conferred. This point becomes more crucial, as after the enactment of AICTE Act, the entirety of the field concerning "technical education" is kept in the domain of AICTE by the Parliament. Section 10 of the AICTE Act entitles AICTE not only to lay down norms and standards for courses, curriculum and such other facets of "technical education" but also entitles it under clause (l) to advise the Central Government in respect of grant of charter to any professional body or institution in the field of technical education conferring powers, rights and privileges etc. Going by the width of the power, after the enactment of AICTE Act, even such privileges could be conferred only after express advice of AICTE and within the confines of various statutory provisions."
(emphasis added)

30. Accordingly, this Court finds merit in the argument of the learned counsel for the petitioner(s) that the Respondent-State cannot grant any recognition or equivalence on its own without the mandate of the Haryana State Board of Technical Education Act, 2005 (hereinafter 'Act of 2005'). The impugned instructions dated 19.12.2023 (Annexure P-37) neither refers to any recommendation by the Academic Committee nor to any decision of the Haryana State Board of Technical Education. As per Section 22 of the Act of 2005, the Academic Committee is specifically empowered to make recommendations to the Board on matters of equivalence of qualifications. It is on the basis of such recommendations that the Board of Technical Education is required to grant equivalence. Therefore, the impugned notification is of a non-statutory nature and lacks any legal backing.

31. Also, the Chief Secretary, Government of Haryana, is not the competent authority to issue any form of validation or equivalence for any Diploma/Degree/Certificate as this function lies solely within the domain of the Directorate of Technical Education, Haryana. The grant of equivalence through non- statutory instructions cannot override the instructions issued dated 29.12.2004 (Annexure P-1), which were adopted pursuant to a decision taken by the Board of Directors of the Corporation under the power conferred by Section 79(c) of the



Electricity (Supply) Act, 1948. ” (Emphasis supplied)

13. In view of the foregoing discussion, this Court is of the considered opinion that the petitioner is not entitled to any relief as prayed for and the petition deserves to be dismissed. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

11.12.2025
Neha

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