



LPA-312-2026 (O&M)

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

**LPA-312-2026 (O&M)
Date of Decision: 07.05.2026**

Mandeep Singh

.... Appellant

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Mr. Shekhar Verma, Advocate,
Mr. Rahvi Chadha, Advocate &
Mr. Jagraj Singh, Advocate
for the appellant.

Ms. Shruti, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

CM-848-LPA-2026

The present application has been filed for condonation of delay of 1 day in re-filing the present appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 1 day in re-filing the appeal, is hereby condoned.

Main Case:

1. The present is an intra-court appeal filed by the appellant assailing the judgment passed by learned Single Judge in CWP-756-2017, which was decided on 10.11.2025 along with another writ petition bearing CWP-1405-2017 by way of a common order.



2. Learned counsel for the appellant has argued that the appellant had applied for the post of Sub-Inspector in the Intelligence Wing of the Punjab State Police Department in 2016 pursuant to the Advertisement dated 08.09.2016. The appellant was not selected for the said post on the ground that according to the respondents, he did not possess the educational qualification stipulated in the advertisement. He further submitted that learned Single Judge dismissed the writ petition primarily on this ground and another ground on which learned Single Judge dismissed the writ petition was that the advertisement in question was issued in 2016 and the candidates were selected in 2017 and 8 years from the date of completion of selection has passed and even otherwise also, it will not be proper to grant any relief to the appellant considering various other factors such as fitness etc.

3. Learned counsel further submitted that as per the educational qualifications provided in Para No.5(C) of the Advertisement, which have also been reproduced in the impugned judgment, two sets of educational qualifications criteria were stipulated under Clauses (a) and (b). Clause (a) provides that the candidate should be a graduate from a recognized university or institution and should also possess an 'O' Level Certificate of Information Technology from Department of 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. Clause (b), in the alternative, requires the candidate to possess a 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 may be. He submitted that the case of the appellant falls under Clause (a) only and not under Clause (b). Although Clause (a) requires an 'O' Level Certificate of Information Technology from the institution, which has been mentioned or any of its equivalent institution and the appellant was not having the aforesaid certification which has been mentioned therein but at the same time he was having qualification of Provisional National Trade Certificate in Non-Engineering Trades in the Trade Test with the name, 'Computer Operator Program Assistant' which has been issued by the Punjab State Board of Technology Education and Industrial Training in the year 2005. He submitted that although the aforesaid certificate pertains to a Computer Operator and Programming Assistant Course but its syllabus included the subject of Information Technology. Therefore, the said certificate ought to have been considered equivalent to the 'O' Level Certificate which has been so stipulated in the aforesaid advertisement. He further submitted that learned Single Judge failed to properly appreciate this equivalence and therefore, the judgment passed by learned Single Judge is liable to be set aside and a direction be issued to the respondents to consider the appellant for the aforesaid post of Sub-Inspector, Intelligence Wing in the Police Department in accordance with law. Learned counsel has referred to a judgment passed by Hon'ble Supreme Court in "*Laxmikant Sharma Vs. State of Madhya Pradesh and others*" 2025 SCC OnLine SC 2712, to contend that such equivalence can be granted in such like cases on the basis of the facts and circumstances of each and every case.

4. On the other hand, Ms. Shruti, learned AAG, Punjab appearing on behalf of the respondents/State submitted that the present appeal is liable



to be dismissed because the judgment passed by learned Single Judge is a well-reasoned one based on the law applicable to the facts of the case. She further submitted that once the appellant was not having the requisite educational qualification as per the advertisement, which were prescribed in the Service Rules of 2016 being Statutory Rules, then no such departure can be made from the aforesaid qualification. The appellant clearly did not hold the 'O' Level Certificate of Information Technology from any of the department so mentioned therein nor from any equivalent institution. She also submitted that the certificate relied upon by learned counsel for the appellant issued by the Punjab State Board of Technology Education and Industrial Training is a totally different certificate pertaining to a different course and it does not cover any course in the subject of Information Technology undertaken by him. She further submitted that the recruitment was for the post of Sub-Inspector in the Intelligence Wing, for which, a certificate course in Information Technology is required. However, the certificate issued by the Punjab State Board of Technical Education and Industrial Training, on which learned counsel for the appellant relies, is merely for a basic computer course and not for Information Technology. Therefore, learned Single Judge rightly dismissed the writ petition filed by the appellant.

5. We have heard learned counsels for the parties.
6. The advertisement issued in the year 2016 for the post of Sub-Inspector in the Intelligence Wing prescribed certain qualifications, which have been reproduced in Paragraph No.3 of the impugned judgment and are also reproduced hereunder:

“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.”

7. It was the case of learned counsel for the appellant that the appellant was to be considered under Clause (a) and not Clause (b), as he does not possess a B.Sc./B.Tech./BE in Information Technology, Computer Science, or Information Systems or a B.C.A. or a Post Graduate Diploma in Computer Applications from a recognized university or institution. It was his case that although Clause (a) requires an ‘O’ Level Certificate in Information Technology, which the appellant does not possess, but he holds



a similar certificate as Computer Operator and Programming Assistant issued by the Punjab State Board of Technical Education and Industrial Training.

8. A perusal of the Para No.5-C of the aforesaid advertisement, which has been reproduced above, would show that the educational qualifications prescribed therein are those mentioned in the Service Rules, 2016, which have been specifically stated in the advertisement i.e. the Punjab Intelligence Cadre (Group 'C') Service (First Amendment) Rules, 2016. Therefore, the aforesaid qualifications are prescribed in the Statutory Rules.

9. Since learned counsel for the appellant has relied only on Clause (a), it will be just and proper to dissect the aforesaid clause for clearer understanding. It provides for three things, firstly, the candidate must be a graduate, regarding which, there is no dispute. Secondly, the candidate must possess an 'O' Level in Information Technology. Thirdly, the aforesaid certificate must have been obtained from the Department of Electronics Accreditation of Computer Courses (DOEACC), National Institute of Electronics and Information Technology (NIELIT), or an equivalent institution recognized by the Government of India or any State Government. So far as the second ingredient is concerned, it pertains to possession of the 'O' Level Certificate of Information Technology, which is a pre-requisite educational qualification. Learned counsel for the appellant has referred to the certificate of the appellant which he got in the Trade of Computer Operator Program Assistant. The aforesaid certificate relied upon by learned counsel for the appellant, which is at Page No.65 of the paperbook is reproduced as under:-



Shri/Shrimati/Kumari MANDEEP SINGH
Son/Wife/Daughter of Sh. AMRIK SINGH Roll No.
04111112200060 having completed the course of
training at Industrial Training Institute, Bassi Pathana
and passed the prescribed trade test in the trade of
COMP. OP. PROGRAM. ASSISTANT held in the month
of 7/2005 is awarded this certificate provisionally.

Period of training from Aug. 2004 to July 2005

Character of Candidate: Good.

TRADE TEST MARKS

Sr. No.	Subject		Max. Marks	Marks Obt.
1.	Practical	Test	100	77
		Sessional	20	16
2.	Theory	Test	30	18
		Sessional		
3.	Social Studies	Test	50	46
		Sessional		
	Social Studies////Total		200	157

Date of birth as recorded in the School Certificate.... 19-JUN-86

Sd/-
Prepared by
Computer Section

Sd/-
Checked by
I.T.I. Section

Sd/-
Signature of Principal

Sd/-
(Signature of Controller
of Exams (IT), PSBTE & IT

*Sd/-
Facsimile Signature
Secretary SCVT,
Punjab*

Sd/-
(Signature of Certificate holder)''

10. A perusal of the aforesaid certificate relied upon by learned counsel for the appellant would show that it pertains to the Trade Test of Computer Operator and Programming Assistant, which is a general



computer course and not specifically an 'O' Level Certificate of Information Technology. This assumes greater importance in view of the fact that the course on which the appellant needs consideration for recruitment is of the Intelligence Wing which is connected more with the Information Technology whereas the appellant admittedly does not possess any such certificate of Information Technology, let alone the 'O' Level Certificate. The only certificate which the appellant possesses is that of Computer Operator and Programming Assistant and therefore, it clearly does not belong to the same discipline.

11. So far as the third ingredient of Clause (a) is concerned, it provides that the aforesaid certificate must be obtained from the Department mentioned or an equivalent institution. In other words, equivalence is to be determined not with regard to the certificate course itself, but with regard to the institution from which the course was conducted. Thus, the 'O' Level Certificate in Information Technology need not be equated with any other course and only the institution is to be equated. A comparison of the nomenclature of the 'O' Level Certificate in Information Technology and that of the Computer Operator Program Assistant clearly shows that these two are totally different in nature particularly in light of the fact that the recruitment was for the post of Sub-Inspector in the Intelligence Wing, which required information technology skills. Therefore, the argument raised by learned counsel for the appellant is unsustainable, as the appellant does not possess the requisite educational qualification for the aforesaid post.

12. Reliance was made on a judgment passed by Hon'ble Supreme Court in *Laxmikanta Sharma's case (Supra)* by learned counsel for the



appellant. In the aforesaid judgment, the advertisement provided for the minimum qualification of a Postgraduate degree in Statistics from a Government recognized University with at least 60% marks or equivalent grades whereas the appellant of that case was holding M.Com. (Commerce) Degree. It was a case of termination of service, where the appellant was terminated on the basis of non-fulfillment of the qualification. Many other issues were involved in that judgment of the Hon'ble Supreme Court, including the fact that no opportunity of hearing was given before termination to produce the relevant documents. Hon'ble Supreme Court observed that the nomenclature of the expression "*Postgraduate degree in Statistics*" must be understood contextually and purposively. However, the present case is totally distinguishable from the aforesaid judgment because, here, the appellant was disqualified at the scrutiny stage before any recruitment process was completed and the nomenclature of the pre-requisite qualification in the Statutory Rules and the certificate of the appellant are totally different in nature. Therefore, on facts, the aforesaid judgment is distinguishable.

13. So far as the second ground on which the writ petition was dismissed by learned Single Judge was with regard to the fact that the recruitment was completed in the year 2017 and 8 years had elapsed is concerned, the same is also one of the factors because after the selection process is complete, no such direction should have been issued by learned Single Judge and rightly so on this ground as well, the writ petition was dismissed.

14. In view of the above, we are of the considered view that there is no ground available with the appellant for seeking any interference in the



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present Letters Patent Appeal and the same being devoid of merit is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

07.05.2026
Bhumika

(AMARJOT BHATTI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |