



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

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**CWP-25538-2019 (O&M)
Date of decision: 01.04.2026**

Vijender Singh Yadav

....Petitioner

Versus

The State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Yadav, Advocate
with Mr. Atul Bhardwaj, Advocate
Ms. Viransa, Advocate
and Ms. Hemlata, Advocate
for the petitioner.

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

Mr. Aditya Gautam, Advocate
for respondent No.2.

Mr. B.R. Mahajan, Sr. Advocate
with Mr. Padamkant Dwivedi, Advocate
and Ms. Nikita Goel, Advocate
for respondent No.3.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the action of the respondents vide which the petitioner was not given appointment on the post of Assistant Environmental Engineer (Group-B) in Haryana State Pollution Control Board, despite his name has been recommended by Haryana Public Service Commissioner for appointment dated 21.08.2019 (Annexure P-3). Further a writ of *mandamus* has been sought, directing the



respondents to immediately issue the appointment letter to the petitioner on the post of Assistant Environmental Engineer (Group-B) w.e.f. 23.08.2019.

2. The brief facts of the case are that respondent No.2 issued Advertisement No.05(iii) of 2018 dated 29.12.2018 (Annexure P-1) inviting applications for direct recruitment to the post of Assistant Environmental Engineer (Group-B) in the Haryana State Pollution Control Board. The essential educational qualification prescribed in the advertisement was “Graduate in Engineering in first division in Civil/Mechanical/Chemical/Environmental Engineering” along with Hindi/Sanskrit up to Matric or Higher standard. The petitioner, being eligible, applied under the BC-B category. He possesses the qualification of Associate Member of the Institution of Engineers (India) (AMIE) Section A & B in Mechanical Engineering from the Institution of Engineers (India), Kolkata as is evident from the certificate dated 20.11.2011 (Annexure P-2). The petitioner participated in the selection process, qualified the same and was declared selected under BC-B category. Thereafter, respondent No.2 recommended the name of the petitioner for appointment along with other selected candidates to the Government vide letter dated 19.08.2019. However, it was clearly mentioned in the said letter that the documents of the candidates have not been verified by the Commission and before giving them offer of appointment, their original degrees/certificates may be checked with the photostat copies of documents available with their



application forms to ensure that they fulfill all the conditions of educational qualifications. Thereafter, respondent No.3 constituted a Committee vide office order dated 21.08.2019 (Annexure R-1) for verification of the documents of the selected candidates. The petitioner reported for joining on 22.08.2019 but was neither allowed to join nor the appointment letter was issued to him, whereas appointment letters dated 23.08.2019 were issued to the other selected candidates. The committee, after scrutiny of documents, submitted its report on 22.08.2019 recommending the case of the petitioner that since the degree is from the Institution of Engineers (India), Kolkata, the equivalency and recognition may be verified from the Technical Education Department being the nodal department. The petitioner was informed accordingly on the same date. Thereafter, the petitioner submitted a representation dated 09.09.2019 but no action was taken thereupon. Hence, this writ petition.

3. As per the office report, notice to newly added respondent No.4 could not be issued for want of process fee.

4. Learned counsel for the petitioner has submitted that the name of respondent No.4 be deleted from the array of parties as he does not want to proceed against respondent No.4.

5. In view of the same, the name of respondent No.4 stands deleted from the array of parties. The Registry is directed to do the needful.



6. Learned counsel for the petitioner has, *inter alia*, submitted that the petitioner possesses a qualification in Mechanical Engineering from the Institution of Engineers (India), Kolkata, which stands duly recognized as equivalent to a degree in engineering. In this regard, reliance was placed upon the Notification dated 16.01.2006 (Annexure P-4) issued by the Ministry of Human Resource Development, Department of Secondary & Higher Education, Government of India, whereby Sections A & B examinations conducted by the said Institution were recognized as equivalent to a degree in the appropriate branch of engineering from a recognized university. He has further contended that the All India Council for Technical Education (AICTE), vide public notice dated 03.08.2017 (Annexure P-5), granted equivalence for the purpose of higher education and employment to candidates enrolled with such professional institutions having permanent recognition up to 31.05.2013. Since the petitioner obtained his qualification on 20.11.2011, i.e. prior to the said cut-off date, therefore, his degree is equivalent to a degree in Engineering from a recognized university.

7. In support of his arguments, learned counsel for the petitioner has placed reliance upon the judgment passed by the Hon'ble Supreme Court in ***Institution of Mechanical Engineers (India) Through its Chairman v. State of Punjab and Others***, 2019(16) SCC 95, decided on 13.08.2019, wherein it was held that the certificate awarded to candidates enrolled upto 31.05.2013 shall be considered equivalent to a Degree in Mechanical Engineering for the purpose of



employment in Central Government. He has further relied upon the judgment rendered by this Court in **CWP-2673-2018** titled as ***Bhupinder Singh and others vs. State of Punjab and another***, wherein it was held that candidates enrolled with the institution with permanent recognition upto 31.05.2013 hold valid certificates for the purpose of employment and Higher Education.

8. Learned counsel for the petitioner has further submitted that in view of the aforesaid judgments, the petitioner, being a fully eligible candidate and having been recommended by respondent No.2 after successfully qualifying the selection process, was entitled to the appointment on the aforesaid post and the action of respondent No.3 in not issuing the appointment letter despite the recommendation is arbitrary, malafide and against the settled proposition of law and amounts to a violation of Articles 14 and 16 of the Constitution of India.

9. *Per contra*, learned counsel for respondent No.2 has argued that no cause of action is made out against respondent No.2, as its role was confined to conducting the selection process and recommending the names of selected candidates as is evident from the letter dated 19.08.2019 issued to the Government and respondent No.2 has no role in issuance of appointment letters.

10. On the other hand, learned Senior counsel for respondent No.3 has submitted that the petitioner does not fulfill the essential qualification prescribed under the Haryana State Pollution Control Board (Group A, B, C & D) Service Regulations, 2004, which require a



Graduate degree in Engineering in first division in Civil/Mechanical/Chemical/Environmental Engineering. He has further contended that the petitioner's AMIE qualification from the Institution of Engineers (India), Kolkata is not a valid degree for the purpose of direct recruitment and is recognized only for the limited purpose of promotion and not for initial or direct appointment. He has further submitted that upon receipt of recommendations made by respondent No.2, a Committee was constituted for verification of documents, which, in the petitioner's case, recommended verification of equivalency, however, the competent authority found him ineligible and, therefore, he was not issued an appointment letter whereas the other candidates were appointed.

11. In support of his arguments, learned Senior counsel for respondent No.3 has placed reliance upon the judgment rendered by this Court in ***Kartar Singh v. Union of India and others, 2012(4) SCT 741*** to contend that AMIE qualification is relevant only for promotion and not for direct recruitment, and thus, the petitioner has no enforceable right to appointment.

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

13. The issue involved in the present petition is no longer *res integra* and is squarely covered by the judgment passed by this Court in **CWP-37123-2025**, titled as ***Jamil Ahmad vs State of Haryana and others***, decided on **11.12.2025**. In that case too, the petitioner held the



AMIE qualification from the Institution of Engineers (India), Kolkata and sought appointment to the post of Assistant Environmental Engineer (Group-B) in the Haryana State Pollution Control Board by claiming his AMIE qualification to be equivalent to a full-time regular degree in Engineering. The material facts and the legal questions arising in the said case are identical to those arising in the present writ petition. The relevant findings recorded in ***Jamil Ahmad's case (supra)***, which are fully applicable to the present case as well, are reproduced hereinbelow:-

*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

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*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 interfere in the 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.”

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. 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

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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)

14. The advertisement, in question clearly prescribes a Degree in Engineering in first division as an essential qualification and does not permit consideration of any equivalent qualification. The reliance placed by the petitioner on the Notification dated 16.01.2006 (Annexure P-4) and the judgment passed by the Hon’ble Supreme Court in ***Institution of Mechanical Engineers (India) Through its Chairman’s case (supra)*** and the judgment rendered by this Court in ***Bhupinder Singh’s case (supra)*** regarding equivalence is totally misconceived as it is well settled that such equivalence does not *ipso facto* apply to direct recruitment unless specifically recognized under the applicable Rules.

15. In view of the foregoing reasons, this Court is of the considered opinion that the petitioner is not entitled to any relief as prayed for and the instant petition is dismissed, accordingly.

16. Pending miscellaneous application, if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No