SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			SPA/5/2022 Neeraj Bhatt --Appellant **Versus** State of Uttarakhand & Others --Respondents **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** Mr. M.C. Pant, Advocate, for the petitioner. Mr. B.S. Parihar, Additional CSC, for the State. Mr. Himansh Aswal, Advocate, i/b Mr. Navnish Negi, Advocate for the respondent no. 2 and 3. Mr. C.D. Bahuguna, Senior Advocate, assisted by Mr. C.S. Dalakoti, Advocate for the respondent no. 4. (2) This intra-court appeal is directed against the judgment and order dated 1.12.2021, passed by learned Single Judge in Writ Petition (S/S) No. 576 of 2018. By the said judgment, challenge thrown by the appellant to rejection of his candidature by the selecting body was repelled. Relevant extract of the said judgment is reproduced below: *"9. Before venturing to deal with the further arguments extended by the learned counsel for the petitioner, I am of the view, that the logic assigned by the Techno Global University, in its communication dated 17th October 2016, wherein a conclusion has been arrived at, that aforesaid discipline of subjects since constitutes to be the part of syllabus of the diploma of Sanitary Inspector possessed by the petitioner, would be treated as to be equivalent, that logic or inference by the Institution itself will not itself grant any equivalence to the diploma held by the petitioner until and unless the same is recognised by a Body, which is legally recognised under law to confer the validity of the*

			diploma to satisfy the ingredients or the qualification which was required as per the terms of the advertisement. *10. Secondly, it has been argued by the learned counsel for the petitioner that in the light of the communication made by the University Grants Commission, to the Registrar, Techno Global University on 1st April 2009, that in itself will lead to an inference that the Institution from where the petitioner had procured the diploma is a recognized Institute.* *11. This Court is not in agreement with the tenacity of the argument of the learned counsel for the petitioner for the reason being that if the said communication dated 1st April 2019, as issued by the Joint Secretary, University Grants Commission, is taken into consideration, in fact, it had nothing to do with regard to certifying the diploma or granting it equivalent recognition, rather as held by the petitioner as to be recognised and satisfying the eligibility criteria of the advertisement. Rather the said permission of 1st April 2009, was confined to only to the establishment of the Institution, itself and the parameter which was required to be satisfied for the purposes of providing the infrastructure of the institution, as per the norms settled by the University Grants Commission. It had no correlation with regard to the recognition or de-recognition or non recognition of diploma held by the petitioner, whether it could be read in consonance to be a diploma for the purposes of 'Hygiene', which was one of the essential qualifications to be considered for appointment in pursuance to the advertisement issued by the respondent on 22nd November 2012."* (3) Petitioner applied for the post of Sanitary Inspector. In the advertisement issued by the selecting body, the qualification mentioned was B.Sc. with one year Diploma in Hygiene and Sanitation from State Health Institute or any equivalent one year diploma from an institute recognised by the State Government. It is not in dispute that appellant pursued one year diploma from Techno Global University, Meghalaya, however the diploma course pursued by the appellant was not recognised as equivalent to one year Diploma in Hygiene and Sanitation, awarded by State Health Institute. For this reason alone, selecting body found the appellant to be ineligible.

(4) Since appellant does not meet the condition of advertisement, therefore, learned Single Judge was justified in denying relief to the appellant. View taken by learned Single Judge cannot be faulted. Thus we do not find any scope for interference in the matter. We, however, dispose of the appeal by providing that if same issue is raised regarding appellant's eligibility in future, then the appellant shall be at liberty to raise claim for referring the matter to Equivalence Committee.

(5) Mr. C.D. Bahuguna, learned Senior Counsel appearing for respondent no. 4, submits that his client was appointed as Sanitary Inspector on 9.3.2023 and he is thereafter continuously serving as such.

(Subhash Upadhyay, J.) (Manoj Kumar Tiwari, A.C.J.)
3.11.2026

Pr

PRABODH KUMAR
