

(2017) 10 P&H CK 0007
In the Punjab And Haryana At Chandigarh
Case No : 14811 of 2014

Bhag Ram and others

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 04-10-2017

Acts Referred:

Citation : (2017) 10 P&H CK 0007

Hon'ble Judges : G.S. Sandhawalia

Bench : SINGLE BENCH

Advocate : Sanjiv Gupta, Harish Rathee

Final Decision : Dismissed

Judgement

1. The petitioners seek quashing of the orders dated 15.05.2013 and 30.04.2013 (Annexures P-8 to P-10), whereby their candidature for the post of PGT (Sanskrit) has been rejected on the ground that they do not possess the essential qualifications on the cut-off-date as per the Service Rules.

2. It is the case of the petitioners that they had passed their Acharya (M.A. Sanskrit) before the last date as per the advertisement No.1 dated 07.06.2012 (Annexure P-1), since the cut-off-date was extended to 14.07.2012. The pleadings are that Acharya passed from Rastriya Sanskrit Sansthan, New Delhi is recognized by the Government of India, which is supposedly equivalent to M.A. in Sanskrit and thus the rejection has been challenged.

3. The essential qualifications specified for the post of PGT (Sanskrit) have been

described as under:-

"M.A. Sanskrit with at least 50% marks and B.Ed. from recognized university."

4. It is in such circumstances, the petitioners submit that they are duly qualified and reliance is placed upon the certificate issued by the Rastriya Sanskrit Sansthan at New Delhi (Annexures P-11 and P-12) qua petitioner No.1.

5. Notice of motion was got issued on the strength of the pendency of CWP No.10750 of 2013 "Jagdish Chander and others Vs. State of Haryana and others", which had also been mentioned in the index of the case, which has now been decided alongwith bunch of cases in "Shiv Kumar and others Vs. State of Haryana and others" 2015 (2) SCT 160 on 01.10.2014.

6. In the said case the petitioners also possessed qualification of Acharya Sanskrit from the same institute at New Delhi or from Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapeeth, New Delhi. The question before the Court was that whether the same was equivalent qualification to M.A. Sanskrit. Accordingly, while placing reliance upon CWP No.19263 of 2012 "Vikas Sharma and others Vs. State of Haryana and others" decided on 20.01.2014, the writ petitions were dismissed by holding that the matter was covered against the petitioners which had further been upheld by the Division Bench in LPA No.1121 of 2014 "Satish Kumar Vs. State of Haryana and others" on 10.09.2014. The reasoning given reads as under:-

"In our considered view the argument, that is being advanced, lacks conviction and cannot be imbibed. Concededly, the advertisement and the 2012 Rules clearly postulate, that the requisite qualification for appointment to the post of PGT(Sanskrit) is "M.A. Sanskrit with at least 50% marks and B.Ed. from recognized University." And appellants before us, possess a degree in Acharya from Kurukshetra University. Indisputably, the statutory rules do not envisage any equivalence clause. Still further, the recognition/equivalence list issued in April, 2011, by the MDU, Rohtak, nowhere stipulates that Acharya degree of MDU, Rohtak, would be equivalent to M.A.(Sanskrit). Likewise, the list of equivalence of examinations/degrees/ diplomas, corrected upto 2011, issued by

the Kurukshetra University reveals that, Acharya degree from Rashtriya Sanskrit Sansthan New Delhi, was/is treated to be equal to Acharya degree of Kurukshetra University. Nothing was brought on record to show that any decision was ever taken by the Kurukshetra University declaring Acharya degree of the said University equal to M.A.(Sanskrit) of the same University. Rather, stand set out by the University was that M.A.(Sanskrit) of Kurukshetra University was not equal to Acharya degree of the same University. The letter dated 23.01.1964 issued by the Government of India and the decision of the Hon"ble Supreme Court in Ramphalit Vyakaran Acharya"s case (supra), upon which the claim of the appellants was predicated, would also not advance their cause as subsequently with the promulgation of the 2012 Rules, specific qualifications, without any equivalence clause, were prescribed for appointment to the post of PGT(Sanskrit). Thus, in our considered opinion, the learned Single Judge has rightly concluded that there was no occasion to treat Acharya degree as an equivalent qualification, since there was no such discretion provided under the statutory rules. Further, it was prerogative of the State to determine as to what qualifications are required to be prescribed for a particular post and the State was well within its domain to insist upon the said qualifications as were so provided under the statutory rules."

7. Keeping in view the above, once the petitioner himself relied upon the pendency of the said case and the dispute has already been decided against him, he cannot be allowed to raise another argument to submit that he is having qualification of M.A. since it was his pleaded case itself that it is equivalent degree as such.

8. Accordingly, for the reasons mentioned in the case of Vikas Sharma (supra) and Shiv Kumar (supra), and upheld by the Division Bench in the case of Satish Kumar (supra) no case is made out for consideration. Accordingly, the present writ petition is dismissed.