

**(2014) 05 P&H CK 0538**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : Civil Writ Petition No. 21163 of 2012**

Nitesh and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

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**Date of Decision :** 19-05-2014

**Acts Referred:**

**Citation :** (2014) 05 P&H CK 0538

**Hon'ble Judges :** Augustine George Masih, J

**Bench :** Single Bench

**Advocate :** Ajay Shekhawat, Advocate for the Appellant; Sunil Nehra, Sr. DAG, Haryana for the State, Advocate for the Respondent

**Final Decision :** Dismissed

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## Judgement

Augustine George Masih, J.—Petitioners have approached this Court praying for quashing the action of the respondents whereby they have not been allowed to participate in the interview for the post of PGT (Biology) on the ground that they are not possessing the requisite qualification for the said post.

2. It is the contention of the counsel for the petitioners that they possessed the requisite qualification of M. Sc. in the subject of Food Processing and Technology and, therefore, would be eligible for consideration for appointment to the post in question.

3. This contention of the counsel for the petitioners cannot be accepted in the light of the judgment passed by this Court in CWP No. 14939 of 2011, titled as "Rakesh & others Vs. State of Haryana & others", decided on 09.10.2013 where such plea as in the present writ petition has been considered and rejected. The Division Bench judgment on which reliance has been placed by the counsel for the petitioners i.e. CWP No. 13125 of 2012, titled as "Babli Vs. State of Haryana & others", decided on 04.01.2012, has also been considered and distinguished. The ratio of the judgment applies in full to the case in hand. That apart, in CWP No. 19263 of 2012, titled as "Vikas Sharma Vs. State of Haryana & others",

decided on 22.01.2014, relying upon the Full Bench judgment of this Court in Som Dutt Vs. The State of Haryana and Another, , it has been held that it is prerogative of the employer to provide qualification for appointment to the post and it can insist upon the qualifications so prescribed under the statutory rules. If no equivalent clause has been provided under the rules and the qualifications are clear and specific, the equivalence or otherwise of the qualification possessed by a candidate cannot be taken into account. The precedent as laid down in the Full Bench judgment would also be applicable to the case in hand which would disentitle the petitioners to the claim as has been made in the present writ petition on the plea that they possessed the equivalent qualification to the one which is prescribed under the statutory rules. This matter of equivalence, in any case, cannot be gone into by the Court as it is for the employer to finally determine the qualification which a candidate must possess for a particular post which has been provided for under the statutory rules.

4. In view of the above, the claim made by the petitioners in the present writ petition cannot sustain and is hereby rejected. The writ petition stands dismissed.