
(2014) 07 MP CK 0067
In the Madhya Pradesh High Court
Case No : W.P. 100/11(s)

Satya Narayan Sharma

APPELLANT

Vs

State Of M.P.

RESPONDENT

Date of Decision : 18-07-2014

Acts Referred:

Citation : (2014) 07 MP CK 0067

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : D.P. Singh, Advocate for the Appellant; M.P.S. Raghuvanshi, Addl. Advocate General, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Sujoy Paul, J.—With the consent of parties, matter is finally heard.

2. The petitioner is aggrieved by the order dated 7.12.10 whereby his two advance increments granted to him earlier are taken away on the ground that computer course undergone by the petitioner was not by recognized/approved institution.

3. Shri D.P. Singh, learned counsel for the petitioner submits that petitioner obtained permission of computer training vide by order dated 9.2.10 Annexure P/3. He has undergone the training. The training certificate Annexure P/4 shows it was issued under the signature of government authorities and therefore there is no justification in not treating the said certificate as valid certificate. In addition, by relying on the judgment of Supreme Court in Sahib Ram Vs. State of Haryana and Others, Shri Singh submits that there was no misrepresentation of fact by the petitioner and therefore the benefits once granted cannot be recovered. More so, when petitioner stood retired on attaining the age of superannuation.

4. Shri Raghuvanshi submits that the basic circular dated 6.2.06 was again explained in Annexure P/6 dated 20.10.2009 which no uncertain terms makes it

clear that certificate of only four institutions is acceptable.

5. I have heard learned counsel for the parties and perused the record.

6. It is noticed by circular dated 6.2.06 Annexure P/2 the government desired that the employees must receive training in computers. It is followed by circular dated 20.10.09. By considering earlier circular dated 6.2.06, it is made clear that the training of computer is compulsory and the employees may choose the institution out of the four institutions mentioned in the order. The said institutions are:-

1. Diploma from all Universities recognized by UGC (University Grants Commission).

2. Diploma from all Open Universities recognized by UGC (University Grants Commission).

3. Diploma level examination from DOEACC (Department of Electronics Accreditation of Computer Courses).

4. Modern Office Management Course from Govt. Polytechnic College.

7. Admittedly, the training received by the petitioner is not one of those institutions mentioned in Annexure P/6. Thus, merely because the certificate Annexure P/4 contains signature of certain government officers, it will not fulfill the requirement of Annexure P/6. The benefit can be claimed only when the condition of Annexure P/6 are satisfied. The petitioner has not chosen to challenge the validity of circular dated 20.10.09 Annexure P/6 and therefore no flaw can be found in the action of respondent in taking away the benefits of two advance increments. The judgment of Sahib (supra) is subsequently considered by Supreme Court in Chandi Prasad Uniyal and Others Vs. State of Uttarakhand and Others, In the said case the Supreme Court made it clear that the judgment of Sahib (supra) is basically based on the consideration of hardship. In the present case, the said principle cannot be made applicable.

8. Considering the aforesaid, no interference is warranted in this petition. Petition fails and is hereby dismissed.