



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

259

CWP-7379-2022 (O&M)

Date of decision: 09.01.2025

Shivani Bhagat

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Amandeep Singh Nirmaan, Advocate for the petitioner

Mr. Sehajbir Singh Aulakh, AAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer in the present petition is for quashing the order, whereby the candidature of the petitioner was rejected.
2. The petitioner, a graduate possessing the degree of B.Sc (Bio-informatics), had applied to the post of Science Mistress, pursuant to the advertisement dated 06.04.2021 but her candidature came to be rejected on the premise that she did not possess the requisite qualification as her degree was not valid for the said post.
3. Learned counsel for the petitioner places reliance on the judgment rendered in a batch of petition, with a lead case i.e. CWP-131258-2012 titled as **Babli vs. State of Haryana and Others**, decided on 04.12.2012, Annexure P-12, wherein it was held that there was no course, as such of M.Sc (Life Science) and the courses are run by faculty of Life Sciences that includes Bio-Informatic as well, amongst the 16 such courses, relevant paras whereof read thus:

“.... 6. It is pointed out at the outset that there is no



specific discipline of Life Science i.e. Life Science is not taught as a subject. The petitioners have placed on record the communications received from the State Universities in the State of Haryana itself which disclose that Life Science is a Faculty and there are various courses being run by Faculty of Life Science. The details of these particulars are as:-

(i) Communication dated 3.10.2012 given by Maharishi Dayanand University, Rohtak, to one Mr. Shiv Kumar, in response to information sought by him under the Right to Information Act, 2005 (for short, 'RTI Act'). It stipulates that various M.Sc. courses are run by the Faculty of Life Science of Maharishi Dayanand University. 16 such courses are specified therein which are as follows:-

"a) The following M.Sc. Courses are being run by the Faculty of life Sciences:-

1. M.Sc. (Biochemistry)
2. M.Sc. (Clinical Bio-chemistry)
3. M.Sc. (Bio-Technology)
4. M.Sc. (Agricultural Bio-Technology)
5. M.Sc. (Bio-Informatics)
6. M.Sc. (Medical Bio-Technology)
7. M.Sc. (Botany)
8. M.Sc. (Environmental Sciences)
9. M.Sc. (Environmental Bio-Technology)
10. M.Sc. (Food Technology)
11. M.Sc. (Genetics)
12. M.Sc. (Forensic Sciences)
13. M.Sc. (Microbiology)
14. M.Sc. (Microbial Bio-Technology)
15. M.Sc. (Zoology)
16. M.Sc. (Genomics)"

(ii) Communication dated 10.10.2012 of Guru Jambheshwar University of Science and Technology, Hisar, is again



information supplied under the RTI Act. In this communication, following information is given:-

"..... The point-wise reply to the information sought by the applicant is given as under:-

1. That there are no Bio-Sciences/Life Sciences streams in GJUS&T, Hisar and no M.Sc. courses in Bio-Sciences/Life Sciences are offered as such. However, M.Sc. in Food Technology and M.Sc. in Bio-Technology pertaining to Bio-Sciences stream fall under the Faculty of Environmental and Bio Sciences & Technology.

2. M.Sc. (Environmental Science) subject fall under the Faculty of Environmental and Bio Sciences & Technology of GJUS&T, Hisar.

3. B.Sc/B.Sc. (Hons) or its equivalent with at least 50% marks in aggregate.

4. The university does not impart instructions in the following courses:-

- i) M.Sc. Bio Science
- ii) M.Sc. Life Science
- iii) M.Sc. Biology

No group of the above subjects or stream of these M.Sc. courses is available in the university. However, contents of Bio Sciences, Life Sciences and Biology form significant proportion in M.Sc. courses of Environmental Science, Food Technology and Bio Technology."

This communication clearly states that there is no specific course in Bio Sciences/ Life Sciences streams, however, M.Sc. in Food Technology and M.Sc. in Bio-Technology pertaining to Bio Sciences fall under the Faculty of Environmental and Bio Sciences & Technology. It is also specifically mentioned that there is no course known as M.Sc. Life Science.

(iii) Communication dated 11.10.2012 of Chaudhary Devi Lal University, Sirsa, giving the information under the RTI Act, also states that M.Sc. courses which fall under Faculty of Life Science and are taught by the said University, are Biotechnology; Energy and Environmental Sciences; and Food Science and Technology. It is further mentioned that course of M.Sc. Environmental Science falls under the Faculty of Life Science.

(iv) Kurukshetra University, Kurukshetra, has also given information under the RTI Act vide communication dated



22.10.2012, specifying following courses that fall under Faculty of Life Science in this University:-

"Point No.(a)

The following M.Sc. courses fall under the Faculty of Life Sciences in K.U.K. M.Sc. (Bio-chemistry), M.Sc. (Bio-informatics), M.Sc. (Bio0otechnology), M.Sc. (Botany), M.Sc. in Food & Nutrition, M.Sc. (Human Development), M.Sc. (Clothing and Textiles), M.Sc. (Zoology), M.Sc. (Forensic Science), M.Sc. (Environmental Science) and M.Sc. (Microbiology).

There is no Faculty of Bio-Sciences in this university.

Point No.(b)

M.Sc. Environmental Science course falls under the Faculty of Life Sciences."

7. It follows from the above that there is no specific course known as "Life Science". Infact, in all the four universities run by the State of Haryana itself, Life Science is a Faculty and these universities are running various M.Sc. courses under the aforesaid Faculty of Life Science. It is also clear from the above that it is Maharishi Dayanand University, Rohtak, which is running maximum M.Sc. courses under Life Science as it has specified 16 such courses. Therefore, it is clearly inferred that any candidate who has done any such M.Sc. course, specified in the said list of 16 courses, as extracted above, would qualify M.Sc. Life Science.

10. We repeatedly asked Mr. B.S. Rana, Additional Advocate General, Haryana, as to whether there is any specific course of Life Science as it was his contention that these four universities may not be teaching the course of Life Science but it may be that this course is specifically taught by some other universities, however, he was unable to give any reply to the same. In the absence of any other reply coming forward and having regard to the courses explained by the four universities of the State of Haryana, we are left with no option but to hold that the candidates who have done any of the aforesaid 16 M.Sc. courses, would satisfy the eligibility condition by covering his/her case as M.Sc. Life Science. By holding so, we are not going into the issue as to whether it is equivalent to the other courses i.e. M.Sc. Zoology/ Botany/ Bio Science/ Bio Chemistry etc. That would have been the case if the discipline of Life Science had not been mentioned and this Court had undertaken the exercise as to whether Life Science is equivalent to the other courses. It is stated at the cost of repetition that M.Sc. Life Science would include as one of the



qualifications under the Rules itself. As a result of this, the petitioners, wherein they have done one or the other M.Sc. course of the aforesaid 16 M.Sc. courses, would be treated as eligible for consideration to the post of PGT Biology.

11. In so far as, argument of Mr. B.S. Rana, Additional Advocate General, Haryana, that, particular degree possessed by the candidate should have relevance to the syllabus which is taught at 10+2 level, is concerned, again it is not for this Court to go into this issue. Once Life Science is included in the eligibility conditions and a candidate is able to demonstrate that he fulfills the conditions, a candidate becomes eligible to be considered for the aforesaid post. It would be a matter for the Selection Committee while interviewing such candidates to decide as to whether they are suitable for the post or not and needs to be selected therefor.

12. We are fortified in our aforesaid conclusion by the orders passed by the Supreme Court dated 2.9.2002 passed in SLP(C) 1716 of 2002 in the case titled "**Inder Sain vs. State of Haryana & others**". We are reproducing hereunder the said order in its entirety:-

"Leave granted.

Appellant applied for Lecturership in M.Sc. Biology and he was duly selected and appointed by the office letter dated 7 may, 1999. By subsequent letter of 5 July, 1999 issued from the Directorate of Secondary Education, Haryana, his appointment was cancelled on the ground that he did not possess requisite qualification for M.Sc. Biology. It was stated in this order that Degree of M.Sc. in Environment Science, which the appellant possessed, had not been recognized by the Kurukshetra University. This letter was challenged unsuccessfully before the High Court.

Our attention has been drawn to a letter dated 10 November, 1999 issued from the Financial Commissioner and Secretary, Education Department, Government of Haryana, wherein it has been stated that the Government has decided that the Degree of M.Sc. Environmental Science, issued by Guru Jambheshwar University, Hisar, Haryana, it to be treated as equivalent to M.Sc. Biology. It is further stated in this letter that the appellant who had been selected as a Lecturer by Haryana State Selection Commission should be taken back in service.

It is not in dispute that the Financial Commissioner and Secretary, Government of Haryana, Education Department, is an officer superior to one who



issued termination letter dated 5 July, 1999. The legal effect of the subsequent letter of 10 November, 1999 must necessarily be that the earlier letter of termination of 5 July, 1999 stood superseded. This being the case, the appellant must be regarded as continuing in service. We, therefore, allow this appeal and set aside the order of the High Court with the observation that the appellant will be regarded as continuing in service by virtue of letter dated 10 November, 1999. We make it clear that we not deciding on the validity of the letter of 10 November, 1999"

13. In view of the above discussion, the petitions are allowed. It is the petitioners who were allowed to appear in the interview provisionally by interim orders of this Court. If they have already been interviewed, they would now be considered on their own merit. Those petitioners who have not been interviewed so far, shall be interviewed by the Selection Committee subject to fulfillment of other qualifications."

4. In the reply, the solitary reliance is on the report of the Committee of Lecturers and Subject experts, relevant para whereof reads thus:

"That it is clarified that the selection process for the posts in question was conducted by Education Recruitment Directorate and scrutiny committee was constituted for scrutinization of original documents. That the office of the answering respondents took up the issue regarding the petitioner as well as other candidates with office of Director, State Council for Educational research and Training (S.C.E.R.T.). The S.C.E.R.T. constituted a seven member committee of Lecturers and Subject experts in order to resolve the issues. The above said committee considered the candidature of the petitioner as ineligible as the petitioner has not studied either of Physics, Chemistry and Maths in all three years of B.Sc. as she has studied only one subject."

5. The aspect as dealt with in the aforesaid judgment regarding the qualification that the petitioner possesses in B.Sc (Bio-Informatics) has not even been dealt with. He thus, at this stage, on instructions from the petitioner, prays that a direction be given to the respondents to consider her claim, keeping in view the above in a time bound manner, to which learned State counsel has no objection



as he was unable to refute the aforesaid fact.

6. In view of the above and without commenting on the merits of the case, this petition is hereby disposed of with a direction to the respondents to consider and decide the case of the petitioner within a period of 4 months taking note of the judgment afore-referred, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to her and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to her interest, the same shall contain reasons and the petitioner shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

09.01.2025
M.Kamra