

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

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CWP-462-2018 (O&amp;M)

Date of decision: 21.04.2025

Jagtar Singh and Others

....Petitioners

Versus

State of Punjab and Another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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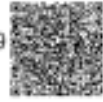
Present : Mr. Kulbir Singh, Advocate for the petitioners

Mr. Arun Gupta, DAG Punjab

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**AMAN CHAUDHARY, J. (ORAL)**

1. Prayer made in the present petition is for directing the respondents to declare the petitioners as eligible.
2. Learned counsel contends that the petitioners had duly cleared the written test but were not issued the appointment letters on the sole ground that the Diploma in Computer Applications possessed by them were issued by the ISO Institutes, without taking into account the fact that these were recognised by the Government of India.
3. On the other hand, learned State counsel while referring to para 3 of the preliminary submissions of the reply filed on behalf of respondent No.2 states that as per the Punjab Panchayat Secretaries (Recruitment and Conditions of Service) Rules, 2013, the candidates were required to have obtained a diploma from Government institutes while that of petitioners were from ISO certified, thus their candidature were rightly rejected.



4. This Court in CWP-26260-2016, titled as **Sunil Kumar and others vs. State of Punjab and others** alongwith other cases, has dealt with and decided the issue as involved in the present case relating to the same advertisement, vide judgment dated 20.12.2017, the relevant paras thereof read thus:

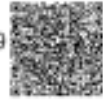
“ .... Since the issue in the instant petition was with regard to eligibility of the petitioners for the post in question against the backdrop of the essential qualifications prescribed under the advertisement, this Court on a previous date of hearing i.e. on 23.12.2016 passed the following interim directions:

“In the meanwhile, the State Government is directed to constitute a Committee of experts to examine the issue of granting recognition to such diplomas/certificates upon comparison of syllabus with government diplomas/certificates as also the fact that such degrees are recognized by the Government of India and ISO.”

In deference to the directions issued by this Court, the State Government vide order dated 17.02.2017 constituted a Committee of experts under the Chairmanship of the Director, Rural Development and Panchayats, Punjab with the following members:

- “i) Secretary, Subordinate Services Selection Board, Punjab:
- ii) Sh. Ranjuit Singh, Joint Legal Remembrances, Punjab.
- iii) Smt. Vandna Sharma, Joint Director, National Institute of Electronic & Information Technology.
- iv) Sh. Moninder Singh, Deputy Director, Department of Technical Education;
- v) Sh. Jatinder Singh Brar, Deputy Director, (IT), Rural Development & Panchayats.
- vi) Dr. Monika Sachdeva, Associate Professor, PTU, Jalandhar;
- vii) Sh. Sumeet Garg, Senior Manager, Department of Governance Reforms, Punjab;
- viii) S. J.S. Ahluwalia, Law Officer, Rural Development & Panchayats.”

The Committee having deliberated on the matter came to the conclusion that the certificates/diplomas issued by ISO 9001;2008 institutions possessed by the candidates do not fulfill the criteria laid down in the advertisement. The Committee took an unanimous view that ISO 9001;2008 is a



standard related quality certification system based on the organizations ability to meet customers requirements whereas as per conditions of the advertisement, candidates were required to possess certificates from recognized university/institution. Recognized university/ institutions would mean any university/institution established by law or affiliated to any statutory/government authority. Committee asserted that the Government of India has not accorded any recognition to such diplomas/certificates issued by ISO 9001;2008 institutions.

The report of the Committee was furnished before this Court on 22.03.2017 and State counsel took a stand that such report was lacking on one aspect i.e. comparison of the syllabi had not been done. Accordingly, accommodation was sought from the Court to constitute a fresh Committee so as to comply with the interim directions dated 23.12.2016 of this Court in letter and spirit. Prayer made on behalf of the State was acceded to.

Thereafter, two sub Committees from the Department of Technical Education, State of Punjab were constituted for comparison of the syllabi of ISO institutes with the government diplomas/certificates.

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The two sub Committees are stated to have checked 40 computer centres across the State of Punjab out of the 144 computer centres from which the candidates/petitioners had obtained their computer certificates/diplomas. The unanimous view of the experts/Committees is that the syllabi of ISO institutions does not match with the syllabi of government institutions and these diplomas/certificates are not recognized by the Government of India and as such, the candidates possessing diplomas/certificates issued by ISO 9001;2008 institutes do not fulfill the criteria laid down in the advertisement.

There would be no occasion for this Court to take a different view in the matter. The issues relating to prescribing essential qualifications for a post, recognition of a particular qualification, equivalence of qualifications etc. essentially fall within the domain of the experts. Courts in such matters shall not generally sit in appeal over the opinion expressed by experts on the subject unless a clear violation of a statutory provision is alleged. It would be wise and safe for the Courts not to tinker with the decision of the academic experts, who for obvious reasons are more familiar with the matter. In support of such view, a reference may be made to the decisions of the Apex Court in **University Grants Commission and another Vs. Neha Anil Bobde, 2014 (1) SCT 295; University of**



**Mysore Vs. C.D. Govinda Rao, AIR 1965 SC 491; Tariq Islam Vs. Aligarh Muslim University 2001(4) SCT 818:(2001) 8 SCC 546 and Rajbir Singh Dalal Vs. Chaudhary Devi Lal University 2009 (3) SCT 325:(2008) 9 SCC 284.**

The contention raised on behalf of the petitioners that the diploma/certificate in Computer Applications possessed by them from ISO 9001;2008 institution be accepted as equivalent qualification to the one prescribed in the advertisement cannot be accepted. It is by now well settled that it is for the employer to prescribe qualifications for appointment to a particular post. Whenever specific qualifications are prescribed for a post, the incumbent for such post would not be vested with an inherent right to seek the benefit of equivalent or matching qualification in the absence of a clear stipulation inserted in the advertisement indicating the power that the State or the Recruitment Agency as the case may be to consider and appoint such incumbents possessing such qualification. In the advertisement in question, the requirement was for a candidate to possess the diploma in Computer Applications from a recognized university or institution. There was no indication in the advertisement with regard to equivalent/matching qualification to be also considered to reckon eligibility. Accordingly, petitioners cannot compel the respondents to treat their qualification to be equivalent to the one prescribed in the advertisement. In taking such a view, this Court would draw support from a Division Bench judgment of this Court in **Ajay Kumar Vs. State of Haryana, 2004 (1) SCT 888.**

As regards the contention that certain candidates had been informed through email by the respondent/Board of their eligibility upon possessing the diploma/certificate of Computer Applications from an ISO 9001;2008 institute as also the screen shot on the website under the caption of current news, a clarification has been issued by the respondent/Board stating that the work relating to the recruitment process of Panchayat Secretaries was got done from a private firm, namely, NYSA Communications Private Limited on outsourcing basis. Such firm had created a website link, namely, [www.punjabsssb.net](http://www.punjabsssb.net), while the official website of the respondent/Board is [www.punjabsssb.gov.in](http://www.punjabsssb.gov.in). As per procedure adopted during the course of registration in the recruitment process, queries from the candidates got automatically transferred to the said link of the private firm. The email message referred to at Annexure P-6 along with CWP-26260-2016 may have been generated by some official of the private firm and as such, the same cannot be relied upon to determine the eligibility of a candidate. That apart, with regard to the screen shot at Annexure P-7 along



with CWP-26260-2016, it has been stated in the written statement that the website of the respondent/Board i.e. www.punjabsssb.gov.in is being maintained by PUNCOM. Information was sought from PUNCOM as regards the alleged screen shot and a response has been received that such alleged news item was never uploaded by the agency. The categorical stand taken on behalf of the respondent authorities is that the same is a doctored document to mislead this Court. The clarification/explanation furnished with regard to documents at Annexures P-6 and P-7 along with CWP-26260-2016 is found to be plausible and is accepted.

Even though, in the main writ petition, there were no pleadings to such effect but by way of filing of CM-14916-CWP-2017 in CWP-26260-2016, documents at Annexures P-14 to P-17 have been placed on record to assert that other candidates, who hold similar qualifications have been treated as eligible. Instances of Akshya Dhingra, Mandeep Singh, Jatin Sofat, Deepak Singla and Gagandeep Goyal have been cited. Learned State counsel has responded by submitting that such candidates may have been treated eligible on the basis that they possessed higher qualifications in the same line. Be that as it may, assuming the factual assertion made on behalf of the petitioners to be correct, yet it would be a case of irregular appointments of certain candidates. For the petitioners to succeed, the requirement was to demonstrate eligibility for the post of Panchayat Secretary under The Punjab Panchayat Secretaries (Recruitment and Conditions of Service) Rules, 2013. Even if an ineligible candidate has been recommended for appointment, petitioners cannot raise a plea of discrimination and violation of Article 14 of the Constitution of India so as to seek directions to the respondents to perpetuate an illegality.”

5. The aforesaid judgment was upheld by the Division Bench on 09.01.2018, dismissing a batch of appeals with lead case being LPA No.6 of 2018.

6. In view of the above, the present writ petition is hereby dismissed.

**(AMAN CHAUDHARY)**  
**JUDGE**

**21.04.2025**

M.Kamra

Whether speaking/reasoned : Yes / No  
Whether reportable : Yes / No