

In the High Court of Punjab and Haryana, Chandigarh.

LPA No.1378 of 2009 (O&M)  
Date of Decision: 25.03.2010

Jagtar Singh

....Appellant.

Versus

State of Punjab and others

....Respondents.

Coram:- Hon'ble Mr. Justice Adarsh Kumar Goel  
Hon'ble Mr. Justice Alok Singh

1. Whether reporters of local news papers may be allowed to see judgement ?
2. To be referred to reporters or not ?
3. Whether the judgement should be reported in the Digest ?

Present: Mr. R.S. Mamli, Advocate  
for the appellant.

Mr. Jaswinder Singh, DAG, Punjab  
for the respondents.

...

Alok Singh, J.

1. Challenge in this intra-Court appeal is to the order dated 8.12.2009 passed by learned Single Judge whereby dismissing the writ petition.
2. Brief facts of the present case are that the petitioner is having degree of Association Member of Institute of Engineering (hereinafter referred to as AMIE). Respondent No.2 advertised the posts of Sub Divisional Engineer (Civil/Mechanical) in the Water Supply and Sanitary Department, Punjab. Essential educational qualifications prescribed in the advertisement are that the candidate should possess a degree in Engineering

in Civil or Mechanical from recognized University or Institute. The petitioner submitted his application form giving all qualifications. However, his candidature was not considered as he was declared to be ineligible on the ground that he does not possess essential qualifications for the post.

3. Learned counsel for the appellant argued that admittedly the petitioner is having certificate of AMIE, which is equivalent to degree, hence, he should be treated at par with the degree of Engineering (Civil/Mechanical). Learned counsel for the appellant further submitted that as per the instructions issued by the Government of India, AMIE is equal to Engineering degree. It is further argued that as per Appendix 'A' of the rules prescribing qualifications for the post of Sub Divisional Engineers, AMIE is also considered to be one of the qualifications.

4. Learned counsel for the respondents argued that under the rule AMIE is considered equal to the degree in Engineering only in the matter of promotion from the post of Junior Engineer to the post of Sub Divisional Engineer. It is further argued by the learned counsel for the respondents that the post of Sub Divisional Engineer can be filled up by direct recruitment as well as by promotion. He stated that percentage is fixed for the promotees. As per learned counsel for the respondents, AMIE is considered to be equivalent to the degree only in the matter of promotion and not in direct recruitment, for the reasons that AMIE can be obtained by the diploma holders while in service and not otherwise. According to the learned counsel for the respondents, since the petitioner is seeking direct recruitment, hence his degree of AMIE cannot be considered at par with the degree of Engineering.

5. We have carefully perused the notification dated 20.6.2007 of the Government of Punjab, Department of Water Supply and Sanitation, prescribing qualifications for the post of Sub Divisional Engineer. From the perusal of Appendix 'A', it would reveal that AMIE is one of the essential qualifications alongwith degree in Engineering under the promotion quota. However, AMIE is not shown as one of the essential qualifications for the direct recruits.

6. We find some force in the argument advanced by the learned counsel for the respondents that AMIE is not shown as one of the essential qualifications for the direct recruits because AMIE can be obtained only by diploma holders while in service and AMIE is prescribed as one of the qualifications for the promotees keeping in view the fact that Junior Engineers, who possess AMIE while in service, shall have better promotion chances to the higher post. However, matter remains, if AMIE is not considered as essential qualification either in the notification or publication, this Court cannot issue any mandamus directing the respondents to accept the candidature of the appellant simply because he has AMIE degree. It is for the authorities to prescribe essential qualifications for a particular post.

7. In view of the above, we find no infirmity in the judgement passed by learned Single Judge. Appeal is dismissed.

( Alok Singh )  
Judge

( Adarsh Kumar Goel )  
Judge

25.03.2010  
sk.