

Before Tejinder Singh Dhindsa, J.

SUNIL KUMAR AND OTHERS—*Petitioners*

versus

STATE OF PUNJAB AND OTHERS—*Respondents*

CWP No. 26260 of 2016

December 20, 2017

Constitution of India, 1950—Art. 226— Law well settled that employer can prescribe qualification for appointment—Applicant has no vested right to seek benefit of equivalent/matching qualification— Court in such matter not to sit in appeal over opinion of experts unless clear violation of statutory provisions made out— Advertisements containing qualification different from those prescribed by statutory rules—Qualification under rules would prevail—No plea of discrimination can be raised if ineligible candidate has been recommended.

Held that 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.

(Para 18)

Further held that 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.

(Para 21)

Further held that 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.

(Para 25)

Note: *Judgment has been upheld in LPA No.6 of 2018 and direction issued to State Govt. / its agency to clearly mention Rules applicable for the posts, whenever they are advertised.*

Kapil Kakkar, Advocate

for the petitioner(s)

in CWP Nos.26260, 26912, 27331 of 2016, 7969, 18862, 21358 of 2017.

R. Kartikeya, Advocate

for the petitioner(s)

in CWP No.26179 of 2016.

H.C. Arora, Advocate

for the petitioner(s)

in CWP No.26408 of 2016.

R.K.Malik, Senior Advocate with

Aman Sharma, Advocate

for the petitioner(s)

in CWP No.26649 of 2016.

Aman Sharma, Advocate

for the petitioner(s)

in CWP No.16922 of 2017.

Kanwaljeet Singh Derabassi, Advocate

for the petitioner(s)

in CWP Nos.27328 of 2016 and 3050 of 2017.

Ashdeep Singh, Advocate

for the petitioner(s)

in CWP No. 27014 of 2016.

Gurpreet Jayia, Advocate

for the petitioner(s)

in CWP No.16740 of 2017.

Yogesh Aneja, Advocate
for the petitioner(s)
in CWP No.18616 of 2017.

Sunil Kumar Danda, Advocate
for the petitioner(s)
In CWP No. 26186 of 2016.

S. S. Bairagi, Advocate
for the petitioner(s)
in CWP No.18071 of 2017.

G.S. Samra, Advocate
for the petitioner(s)
in CWP No.363 of 2017.

Amit Sharma, Advocate
for the petitioner(s)
in CWP No.27115 of 2016.

Monica Chhibber Sharma, Sr. DAG, Punjab

D.S. Patwalia, Sr. Advocate with
Kannan Malik, Advocate
for respondent Nos. 3 to 6

R.S. Randhawa, Advocate,
for respondent Nos.7 to 9

Gurnam Singh, Advocate with
V.P.Singh, Advocate, for respondent No. 10.
(in CWP No.26260 of 2016).

TEJINDER SINGH DHINDSA, J. (oral).

(1) This order shall dispose of a bunch of aforementioned 19 writ petitions as the issue involved in these writ petitions is identical.

(2) Petitioners in these connected petitions are aggrieved of the action of the Punjab Subordinate Services Selection Board (hereinafter to be referred to as 'the Board') as also of the Department of Rural Development and Panchayats, State of Punjab in having treated them as ineligible for appointment to the post of Panchayat at Secretary.

(3) It has been pleaded that the petitioners, who belong to the general category as also different reserved categories had applied for the post of Panchayat Secretary in response to advertisement dated 04.08.2016 issued by the Subordinate Services Selection Board, State

of Punjab. Petitioners were permitted to participate in the selection process wherein final merit was to be prepared on the basis of marks obtained in a written examination and on the basis of educational qualifications possessed. It is contended that the petitioners had cleared the written examination and were even called for the counselling exercise held on different dates in the month of November, 2016. Counsel representing the petitioners have argued that inspite of coming within the zone of consideration as per merit prepared by the Recruitment Agency, the petitioners are being denied appointment on the basis that the diploma in Computer Applications possessed by them is from ISO certified institution. It is argued that the requirement under the advertisement was to possess one year diploma in Computer Applications from any recognized University or institution and which the petitioners possess. It is urged that the petitioners have passed the diploma in Computer Applications from institutions which have been duly certified as ISO-9001. Action of the respondent/authorities is stated to be patently illegal as the requirement of possessing the diploma in Computer Applications was only qualifying in nature and no marks were to be assigned towards such qualification while preparing the final merit.

(4) Mr. Kapil Kakkar, learned counsel representing the petitioners in CWP-26260-2016 has referred to the documents placed on record at Annexures P-6 and P-7 to assert that candidates had sent e-mails to the Board raising a query as to whether the computer course obtained from ISO-9001 registered computer centres was valid or not and the response had come forth vide e-mail dated 08.08.2016 whereby candidates were informed that the ISO certificate is valid and that the candidates can apply for the post of Panchayat Secretary. As per counsel, Annexure P-7 is a screen shot of the website of the respondent/Board and under the caption of current news, it had been specified that ISO computer certificate would be a valid qualification as regards advertisement No.2 of 2016. The precise argument formulated by counsel on the strength of Annexures P-6 and P-7 is that the candidates having been informed up front that they are eligible and that the Computer certificate/diploma possessed by them from ISO 9001 registered computer centres is valid it would not be open for the respondent/authorities to resile from such stand and to treat the petitioners ineligible at the fag end of the selection process. The action of the respondent/authorities is further stated to be arbitrary and violative of Articles 14 and 16 of the Constitution of India by contending that the respondent/Board for a process of recruitment to the

post of Clerks had issued advertisement No.2 of 2013 (Annexure P-12 along with CWP No.26260-2016) and in which a computer course from an ISO 9001 certified centre was treated to be one of the valid qualifications. Likewise, reliance is placed upon advertisement No.7 of 2015 (Annexure P-13) issued by the respondent/Board wherein even for the post of Steno Typist the Computer course from an institution which is ISO 9000 certified was treated as a valid qualification. It is argued that it would not be open for the respondent/Board to adopt a different yardstick insofar as determining eligibility for the post of Panchayat Secretary under the Department of Rural Development and Panchayats, State of Punjab. Mr. Kakkar, Advocate would also impress upon the Court that there are a number of vacancies available against the advertised posts and as such, prays for issuance of directions to consider the petitioners to be eligible and to be appointed as per merit ranking.

(5) Mr. R.K. Malik, learned senior counsel representing the petitioners in CWP-26649-2016 has placed reliance upon the documents placed on record at Annexures P-13 to P-15 to submit that certificates had been issued in favour of the petitioners therein reflecting that the advance diploma in computer Applications from the relevant ISO 9001-2008 certified institute is at par with the Diploma in Computer Applications (DCA) of Guru Nanak Dev University, Amritsar. Annexure P-14 is a certificate issued by the Chairperson, Department of Computer Science and Applications, Punjab University, Chandigarh and as per which the diploma in Computer Applications of Maharishi Markanda Educational and Vocational Training Society, Mansa conforms to the certificate and Diploma (add on course) in Information and Communication Technology of Punjab University, Chandigarh. Likewise, as per communication dated 21.08.2017 (Annexure P-15) issued by the Assistant Registrar (General), Punjab University, Chandigarh, the diploma in Computer Applications (DCA) conducted by Maharishi Markanda Educational and Vocational Training Society, Mansa (ISO 9001-2008 certified institute) is treated as equivalent to certificate and diploma (add on course) of one year duration each in Information and Communication Technology conducted by Punjab University. Thrust of the submissions raised by learned senior counsel is that the qualifications possessed by the petitioners in CWP-26649-2016 is a valid qualification inasmuch as it has been certified to be a equivalent qualification to the one prescribed under the advertisement and in response to which the petitioners had applied for the post of Panchyat Secretary.

(6) Mr. R. Kartikeya, learned counsel in CWP-26179-2016 made a detailed reference to the guidelines for preparing an action plan for obtaining ISO 9001 certification issued by the Performance Manager Division, Cabinet Secretariat, Government of India (Annexure P-13) and which was on the subject of purpose of issuance of guidelines, explaining the ISO 9000 standards and the main benefits to be derived from implementation ISO 9001 and in what manner ISO 9001 certificate is suitable for government departments. Based on the guidelines placed on record at Annexure P-13 along with CWP-26179-2016, Mr. R. Kartikeya would contend that the qualifications of diploma in Computer Applications from an ISO 9001 certified centre would for all intents and purposes be treated as a government recognized qualification. Accordingly, it is argued that the action of the respondent/authorities in treating the petitioners to be ineligible for the post of Panchayat Secretary cannot sustain.

(7) Per contra, learned State counsel as also counsel representing the private respondents would argue that the post of Panchayat Secretary is governed by the statutory rules and under which qualifications for the post have been prescribed and one of which is; one year diploma course in Computer Applications from government recognized institution. It is contended that the petitioners do not possess one of the essential qualifications i.e. the diploma course from a government recognized institution and as such have rightfully been treated as ineligible. Further argued that mere participation in a selection process and having been permitted to appear in a written examination does not vest in the petitioners an indefeasible right for appointment. Possession of the essential qualification was a pre-requisite and in the absence of the same, petitioners cannot claim appointment on the basis of marks secured in a written examination.

(8) Having heard counsel for the parties at length and having perused the pleadings on record, this Court is of the considered view that no interference in the matter is warranted.

(9) Advertisement No.02 of 2016 (Annexure P-1) was issued by the respondent/Board on 04.08.2016 inviting applications for recruitment to a total of 800 posts of Panchayat Secretaries. Subsequently, a corrigendum dated 06.09.2016 (Annexure P-2) was issued and whereby the total posts in question were reduced to 668. Clause 3 of the advertisement laid down the essential educational qualifications and the same was as follows:

“3. Educational qualifications:

Sr. No.	Name of the post	Educational Qualification	Pay Scale
1.	Panchayat Secretary	(a) Graduation degree from any recognized University / Institutions of UGC. (b) 1 year Diploma in Computer Applications from any recognised University or Institution. (c) Must have passed 10+2 Examination is atleast 2 nd Division. (d) Must have passed Punjabi upto Matric. <u>Preferential Qualification:</u> Graduation and Commerce.	10300-34800+3200 grade pay

(10) Clause 12 of the advertisement laid down the selection procedure and stipulated that recruitment to the post would be made on the basis of the written test and educational qualifications. Merit was to be determined out of a total of 200 marks. 100 marks were earmarked for the written test and 100 for educational qualifications.

(11) 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.”

(12) 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.”

(13) The Committee having deliberated on the matter came to the conclusion that the certificates / diplomas issued by ISO9001:2008 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.

(14) 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.

(15) 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.

(16) The first committee consisted of Principal, Department of Computer Engineering and Senior Lecturer, Department of Computer Engineering of Government Polytechnic College (Girls), Ludhiana. The second Committee also consisted of the Principal, Head of the Department of Computer Engineering and Senior Lecturer, Department of Computer Engineering but of Government Polytechnic College, Khoonimajra, District Mohali. The reports submitted by the sub Committees afore-noticed are extracted herein below:

First report:

“Subject: Regarding random checking of ISO diplomas/certificates for the recruitment of Panchayat Secretaries.

Regarding subject, following facts has come to light upon checking:-

- 1) Committee checked 25 Centres at Serial No.1, 2, 11, 28, 30, 32, 38, 40, 49, 60, 70, 80, 92, 93, 102 to 112 (twenty five certificates were checked).
- 2) In the centres checked, there is approximately one computer lab having 10 to 20 computers and 2 to 3 computer teachers.
- 3) In these centres, syllabus of practicals matches 60 to 70% but in theory the syllabus does not match with any University/Board/ Government Institutions.
- 4) Each student attends practical work 1 to 2 hour per day, hence the students work for 12 hours per week, but in any University, Board/Govt. Institution minimum 30 hours of practical/theory are taught.
- 5) In these computers centres owners themselves determine the syllabus, conduct the exams and issue certificates on their own. The certificates issued do not have any recognition of Government of India.
- 6) All these Centres are registered under ISO-9001;2008. This registration is in continuation for all the years.
- 7) This is for your information and necessary action.

Sd/-

(Mohinder Pal Singh), Principal,
Govt. Polytechnic College
(Girls), Ludhiana.

Sd/-

(Manoj Kumar Jambla) Head of
the Department of Computer
Engineering, Govt, Polytechnic,
College (Girls), Ludhiana.

Sd/-

(Neeta Kalra) Senior Lecturer,
Department of Computer
Engineering, Govt. Polytechnic
College (Girls), Ludhiana.”

Second report:

Subject: Regarding random checking of ISO diplomas/certificates for the recruitment of Panchayat Secretaries.

- 1) Committee has checked 15 centres. 29 certificates at Serial No.113, 114, 116, 131, 132, 133, 134, 135, 136, 137, 138, 143, 144, 153, 154, 157, 158, 164, 165, 172, 176, 184, 189, 209, 210, 211, 212, 213, 214 were checked.
- 2) In the centres checked there is approximately one computer lab having 10 to 20 computers and 2 to 3 computer teachers.
- 3) In these centres, syllabus of practicals matches 60 to 70% but in theory the syllabus does not match with any University/Board/ Government Institutions.
- 4) Each student attends practical work 1 to 2 hour per day, hence the students work for 12 hours per week, but in any University, Board/ Government Institution minimum 30 hours of practical/theory are taught.
- 5) In these computers centres owners themselves determine the syllabus, conduct the exams and issue certificates on their own. The certificates issued do not have any recognition of Government of India.
- 6) All these centres are registered under ISO-9001;2008. This recognition is in continuation for all the years.

7) This is for your information and necessary action.

Sd/

(Sarab Mohan Singh), Principal,
Govt. Polytechnic College,
Khuni Majra, Distt. Mohali.

Sd/-

(Ravinder Singh Walia),
Head of the Department of
Govt. Polytechnic College,
Computer Engineering,
Khuni Majra Distt. Mohali

Sd/-

(Navdeep Singh), Senior Lecturer,
Department of Computer Engineering,
Govt. Polytechnic College, Khuni
Majra, Distt. Mohali.”

(17) 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.

(18) 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 versus Neha Anil Bobde*¹; *University of Mysore versus C.D. Govinda Rao*²; *Tariq Islam versus*

¹ 2014 (1) SCT 295

² AIR 1965 SC 491

Aligarh Muslim University³ and Rajbir Singh Dalal versus Chaudhary Devi Lal University⁴.

(19) At this stage, it would also be relevant to notice that the post of Panchayat Secretary is governed by statutory rules, namely, The Punjab Panchayat Secretaries (Recruitment and Conditions of Service) Rules, 2013 (hereinafter to be referred to as 'the Rules, 2013'). In Appendix 'B' of the Rules, 2013, the qualifications for the post of Panchayat Secretary have been prescribed as under;

- (i) Matric with Punjabi as subject
- (ii) 10+2 in second division
- (iii) Graduate in any discipline from recognized university or institution and,
- (iv) One year diploma course in computer applications from government recognized institution.”

(20) In the advertisement in response to which the petitioners had applied, apart from other qualifications, an essential qualification of “one year diploma in Computer Applications or any recognized university or institution” was stipulated. Clearly, there is a variation between the advertisement and the statutory rules. As per advertisement, the diploma in Computer Applications is to be possessed from any recognized university or institution whereas under the statutory rules such one year diploma course in Computer Applications has to be from a government recognized institution. In such a situation, the statutory rules would prevail. Petitioners to claim eligibility for the post of Panchayat Secretary were enjoined to place on record relevant material/documents for this Court to conclusively hold that their one year computer diploma/certificate is from a government recognized institution. No such material/document has been shown to the Court. As such, there is no infirmity in the action of the respondent/authorities in having treated the petitioners as ineligible for the post.

(21) 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

³ 2001(4) SCT 818:(2001) 8 SCC 546

⁴ 2009 (3) SCT 325:(2008) 9 SCC 284

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 versus State of Haryana*⁵ and the relevant portion of which reads in the following terms:

“Learned counsel for the petitioner has contended that the qualifications/degree in Bachelor of Journalism and Mass Communication from Maharshi Dayanand University, Rohtak, is being treated equivalent to the Post Graduate Diploma of the Kurukshetra University. In this regard, he relied upon a letter issued by the Assistant Registrar of Maharshi Dayanad University dated 4.8.2003. This letter is of no help to the petitioner. It is for the employer to prescribe essential qualifications for appointment to a particular post. The Government in its wisdom provided the essential qualifications specifically excluding the expression “or any other course equivalent to the prescribed qualifications.” Absence of this clause clearly indicates that the State and the Commission did not desire to appoint people possessing equivalent qualifications. A clause of equivalence as treated for academic purpose may not essentially be true or universally applicable for employment purposes as well. In the field of employment a specific stipulation should be provided in the rules/instructions and/or the equivalent to the specified qualifications. Nothing has been brought to our notice which vests the respondents with such power in relation to the present advertisement. On the other hand, by very absence of such clause, exclusion of

⁵ 2004 (1) SCT 888

such power is clear. We are of the considered view that the petitioner cannot compel the respondents to treat his degree of Bachelor of Journalism and Mass Communication from Maharshi Dayanand University, Rohtak as a Post Graduate Diploma for the purpose of satisfying the prescribed essential qualifications.”

(22) The argument formulated by counsel representing the petitioners that for other posts in the nature of Clerks and Steno Typists, the respondent/Board has treated the diploma/certificate in Computer Applications from an ISO 9001;2008 institute as a valid qualification and whereas for the post of Panchayat Secretary, the same very qualification is not being recognized would not be of any consequence.

(23) With regard to recruitment to the post of Clerks, Rule 15 of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 would hold the field and wherein itself, a qualification possessed from an institute which is ISO 9001;2008 certified has been treated to be valid. The rule position in the instant case is entirely different. Even otherwise, the settled proposition of law is that the selection process in relation to a particular post has to be conducted strictly in terms of qualifications prescribed under the statutory rules governing the post. In the present case, the requirement is for a diploma in Computer Applications from a government recognized institute. An ISO certified institution does not fall within the criteria mentioned under the statutory rules. The petitioners cannot be permitted to import qualifications prescribed in other advertisements by respondent/Board and in relation to a recruitment process for other posts in the nature of Clerks/Steno Typists so as to raise a claim to be treated as eligible for the post of Panchayat Secretary.

(24) 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, while the official website of the respondent/Board is 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.

(25) 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.

(26) For the reasons recorded above, no merit is found in these petitions and the same are dismissed.

Angel Sharma