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Court : Punjab and Haryana

Decided On : Sep-26-2013

Appellant : “10. We Would Like to Point out Here That the Appellants HereIn Had Relied

Respondent : State of Haryana and Others

Judgement :

CWP No.9038 of 2010 -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CWP No.9038 of 2010 Date of Decision:26.09.2013 Suresh Kumar and anotherPetitioners Versus State of Haryana and others ..Respondents CORAM:- HON'BLE Mr.JUSTICE RAJIV NARAIN RAINA Present: Mr.Jagbir Malik, Advocate for the petitioneRs.Mr.Sunil Nehra, Sr.D.A.G.Haryana.

1.

To be referred to the Reporters or not?.

2.

Whether the judgment should be reported in the Digest?.

RAJIV NARAIN RAINA, J.(Oral) Heard.

The only question which has arisen in this case is whether the diploma of Unit Education Instructor CouRs. from the Army Education Corps, Pachmarhi is equivalent to the qualification of two year JBT/Diploma in Education Course.

This issue is not res integra.

It is covered by the decision rendered by the Division Bench of this Court in LPA No.1641 of 2010 and ten connected appeals.

In Para 10 of the judgment, it has been held:- 10.

We would like to point out here that the appellants herein had relied upon the judgment of a Division Bench in the case of Azad Singh and others versus State of Haryana, Civil Writ Petition No.8882 of 1997, decided on 08.07.1997, as per which the couRs. in question was not treated as equivalent by the State of Haryana.

The learned Single Judge has remarked that in the said judgment the attention of the Division Bench was not drawn to the aforesaid material and particularly the recognition granted by the State of Madhya Pradesh.

It is the submission of learned counsel for the appellants that the recognition granted by the State of Madhya Pradesh would be of no avail inasmuch as there has to be a specific order either of the Director General, Ministry of Defence, Thakral Rajeev 2013.10.04 09:54 I attest to the accuracy and integrity of this document High Court Chandigarh CWP No.9038 of 2010 -2- Government of India or State of Haryana in this behalf.

It is not necessary to go into this aspect any longer.

As pointed out above, the Director General has now circulated the Directory of Equivalence of Service Trades and guide to registration of Defence Service applicants for employment on 05.10.2012.

In this Directory, the Unit Education Instructor CouRs. is specifically treated as equivalent to 'Primary School Teachers'.

According to us, this is the clincher and no further enquiry in this behalf is even required.

Once the Director General has done the necessary exercise and has declared the aforesaid 'Unit Education Instructor Course' as equivalent to 'Primary School Teacher', it stands established therefrom that all these respondents who are holder of 'Unit Education Instructor Course', the said qualification is to be treated as equivalent to J.B.T.course.

Since the question stands answered, nothing remains to be decided in this matter.

The writ petition is allowed in terms of the decision in LPA No.1641 of 2010 titled State of Haryana and others versus Joginder Singh and others decided on 05.12.2012.

Resultantly, the impugned order dated 30.1.2009 (P-15) to stand quashed.

The respondents would now consider the candidature of the petitioner as JBT Teacher and offer appointment in terms of the law laid down by this Court in the aforesaid order as expeditiously as possible preferably within 30 days of receipt of certified copy of this order.

(RAJIV NARAIN RAINA) 26.09.2013 JUDGE rajeev Thakral Rajeev 2013.10.04 09:54 I attest to the accuracy and integrity of this document High Court Chandigarh

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