

(2008) 12 P&H CK 0087

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Jai Parkash and
Others

APPELLANT

Vs

State of Haryana and
Others

RESPONDENT

Date of Decision: Dec. 22, 2008

Acts Referred:

- Constitution of India, 1950 - Article 19, 226

Citation: (2009) 153 PLR 461

Hon'ble Judges: M.M. Kumar, J; K. Kannan, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

M.M. Kumar, J.

This order shall dispose of Civil Writ Petition No. 20929 and 21408 of 2008 as common questions of law and facts are involved in these petitions. However the facts are being taken from C.W.P. No. 20929 of 2008.

2. The prayer made by the petitioners in the instant petition filed under Article 226 of the Constitution is for issuance of a direction to the respondents to consider their candidature for selection and appointment to the post of Hindi Teachers in pursuance to the advertisement issued by the Haryana Staff Selection Commission, Panchkula (for brevity, "the Commission") on 20.7.2006 (P-4). A further prayer has been made for restraining the respondents from finalizing the process of selection for the post of Hindi Teachers without considering the candidature of the petitioner alongwith other candidates.

3. Brief facts of the case are that the petitioners after passing the examination of Ma-tric/Prabhakar, acquired the qualification of Shiksha Vishard i.e. LTC/OT from "Hindi Sahitya Sammelan, Paryag, Allahabad". The posts of Hindi Teachers in the

State of Haryana are governed by the Rules known as "the Haryana State Education School Cadre (Group C) Service Rules, 1998; (for brevity, "the Rules"). Rule 2(h) of the Rules defines the recognized University whereas Rule 7 deals with the qualifications. On 20.7.2006, the Commission issued an advertisement inviting applications for filling up various posts including the post of Hindi Teachers in the Education Department, Haryana, prescribing the same education/professional qualifications which have been prescribed in the Rules. The petitioners considering themselves to be eligible and qualified applied for the post of Hindi Teacher by submitting their applications alongwith requisite fee to respondent No. 3. The Commission issued interview letters to the candidates which were to be held from 10.12.2008 to 24.12.2008. However, no such letters were issued to the petitioners. On making enquiry, the petitioners came to know that their candidature has not been considered for the post of Hindi Teacher on the ground that the qualification of Shiksha Vishard, which was acquired by them from the Hindi Sahitya Sammelan, Paryag, Allahabad is not recognised by the State of Haryana. Faced with this situation the petitioners have preferred the instant petition.

4. After hearing learned Counsel for the petitioners at a considerable length and perusing the paper book with their able assistance, we are of the considered view that there is no merit in these petitions and the same are liable to be dismissed. The controversy raised in these petitions is not res Integra. A Division Bench of this Court in the case of Ram Bhagat Sharma v. State of Haryana 1997(4) R.S.J. 134 had the opportunity to determine the issue sought to be raised in these petitions. The Division Bench before concluding that the certificates and degrees issued by "the Hindi Sahitya Sammelan, Paryag, Allahabad" are bogus, constituted a Committee to make a thorough investigation in the working of the Examination Centres established by the Hindi Sahitya Sammelan, Allahabad and/or "the Hindi Sahitya Sammelan, Paryag, Allahabad" and similar other institutions. The Committee visited Allahabad and made a detailed inquiry of the working of aforementioned institutions. The Committee found that there were numerous examination centres spread all over the streets of Haryana who attract the children to get Shiksha Visharad or other degrees of Hindi Sahitya Sammelan, Allahabad and/or Hindi Sahitya Sammelan Prayag, Allahabad. Out of these, Committee visited ten centres in a short span of time situated at Hissar, Bhiwani, China, Charki Dadri, Ambala Cantt and Shahbad Markanda. The centres were found to be housed in single room or in the residences. They were found charging a lump sum amount of Rs. 1,500/- to Rs. 6,000/- depending upon the economic status and the requirement of the candidates. The centres In-charges were not well qualified for coaching of Shiksha Visharad students. No High School was attached to any of the centres for the class room teaching practice of the so-called examinees. They used to receive question papers, date-sheet and answer sheets from Hindi Sahitya Sammelan, Prayag/Allahabad. Thereafter they would run their centres independently and have been giving guarantee to the students to get through the examination by securing

good marks. In the statement made before the Committee they had stated that cow-herds would come to them and they would give them the certificates procured. The Division Bench after noticing the aforementioned opinion of the Committee accepted the conclusion expressed by it which reads thus:

Finally the committee is of the opinion that Sahitya Sammelan, Prayag/Allahabad are doing dis-service to the cause of education, especially Hindi, by issuing such certificates through a network of agents throughout the country.

5. The Division Bench also expressed the opinion that Hindi Sahitya Sammelan, Allahabad and/or Hindi Sahitya Sammelan Prayag, Allahabad have neither been established under an Act of Parliament or of the State Legislature nor have they been recognized by the Kurukshetra University or Maharishi Dayanand University. The so-called examination centres being run in the State of Haryana appear to be bogus who charge a sum of Rs. 1,500/- to Rs. 6,000/-. The Division Bench after noticing various other facts recorded its findings that the examination conducted at these centres are totally false and degrees/diplomas/certificates awarded by Hindi Sahitya Sammelan, Allahabad and/or Hindi Sahitya Sammelan Prayag, Allahabad on the basis of such examination have to be treated as bogus. It was further held that no candidate could claim eligibility for the purpose of appointment to a public post on the basis of such degree.

6. A Constitution Bench of Hon"ble the Supreme Court in the case of Smt. Damyanti Naranga v. Union of India AIR 1971 S.C. 678, has also declared that Hindi Sahitya Sammelan Act, 1962 was violative of Article 19(1)(c) of the Constitution. The Constitution Bench had found that no statute was enacted by the Legislature of Uttar Pradesh conferring statutory status on Hindi Sahitya Sammelan, Allahabad. Accordingly, the Constitution Bench came to the conclusion that Hindi Sahitya Sammelan, Allahabad and/or Hindi Sahitya Sammelan Prayag, Allahabad is neither a body created by a statute nor it is recognized for the purpose of awarding degrees/diplomas/certificates.

7. The question of conferring Ayurveda Ratna and Vaid Visharda Degrees awarded by Hindi Sahitya Sammelan, Allahabad also fell for consideration before the Supreme Court in the case of [Delhi Pradesh Registered Medical Practitioners Vs. Delhi Admn. Director of Health Services and Others](#), . Upholding the view taken by Hon"ble Delhi High Court, Hon"ble the Supreme Court has held that such degrees are not genuine and cannot be relied upon for determining the eligibility of a candidate to permit him to practice medicine. Similar view has been taken by Hon"ble Supreme Court in the case of [M/s. Bihar Supply Syndicate Vs. Asiatic Navigation and others](#), .

8. The aforesaid catena of judgments would establish that the degree acquired by the petitioners are patently bogus and on that basis they could not secure appointment to the post of Hindi Teacher. We are amazed at the adventurous

enterprise of the petitioner who despite the wall of judgments and loud declaration about the bogus nature of degrees/certificates being issued by the Hindi Sahitya Sammelan, Allahabad/Prayag, has placed reliance on such certificate, therefore, the claim made by the petitioners that they have not been called for interview being invalid, is rejected.

9. In the case of Mandipander Kaur v. State of Punjab and Ors. C.W.P. No. 16587 of 2007, decided on 18.9.2008, a Division Bench of this Court, of which one of us (M.M. Kumar, J.) was a member, has also held that Sahitya Sammelan Allahabad/Prayag cannot be considered as recognized after categorical declaration given by this Court and University Grant Commission has not issued any notification permitting the Hindi Sahitya Sammelan, Allahabad/Prayag to issue any certificates or diplomas or degrees. The observations made in the case of Mandipander Kaur's case (supra) reads thus:

As a sequel to the above discussion, the writ petition is dismissed with cost which we quantified at Rs. 10,000/-. We further direct University Grant Commission -respondent No. 5 to take appropriate steps against Hindi Sahitya Sammelan, Allahabad/Prayag-respondent No. 4, so that its illegal activities could be stopped and the gullible public may be saved from blatant misrepresentation and trickery being practiced in view of the judgment rendered by the Division Bench of this Court in the case of Ram Bhagat Sharma (supra) and that of the Supreme Court in the case of Smt. Damyanti Naranga (supra), Mr. Ravinder Nath (supra) and Delhi Pradesh (supra). It is further directed that the University Grant Commission shall submit its report to this Court on or before February 16, 2009. The action taken report be placed before the Bench within a week thereafter.

A copy of this order be sent to the University Grant Commission-respondent No. 5 along with a copy of the Division Bench Judgment of this Court in Ram Bhagat Sharma" case.

10. As a sequel to the above discussion, these petitions fail and the same are accordingly dismissed.