



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on :- 18.07.2024
Pronounced on :- 31.07.2024

1.

CWP-15486-2021

Harwinder Singh and Others

Versus

State of Punjab and others

...Petitioners

...Respondents
2.

CWP-1003-2022

Harpreet Singh and Others

Versus

State of Punjab and others

...Petitioners

...Respondents
3.

CWP-1219-2022

Sarabjot Singh and Others

Versus

State of Punjab and others

...Petitioners

...Respondents
4.

CWP-14542-2023

Harpreet Singh and Others

Versus

State of Punjab and others

...Petitioners

...Respondents
5.

CWP-1463-2022

Riya and Others

Versus

State of Punjab and others

...Petitioners

...Respondents



6. CWP-15495-2021

Bhawandeep Singh and Others

...Petitioners

Versus

State of Punjab and others

...Respondents

7. CWP-15674-2021

Anju Bala and Others

...Petitioners

Versus

State of Punjab and others

...Respondents

8. CWP-16213-2021

Manisha Sharma and Others

....Petitioners

Versus

State of Punjab and others

....Respondents

9. CWP-16375-2021

Shivani Bansal and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

10. CWP-164-2022

Simran Sethi and Others

....Petitioners

Versus

State of Punjab and others

...Respondents



11. CWP-16410-2021

Ramandeep Kumar and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

12. CWP-16513-2021

Amandeep Kaur and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

13. CWP-16631-2021

Pawan Kumar and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

14. CWP-16874-2021

Narinder Kumar and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

15. CWP-16875-2021

Khushdeep Pal Singh and Others

....Petitioners

Versus

State of Punjab and others

...Respondents



16. CWP-16963-2021

Gaurav Singla and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

17. CWP-17132-2021

Malkeet Singh and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

18. CWP-17342-2021

Lekha Singh and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

19. CWP-17384-2021

Priyanka Kamboj and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

20. CWP-17470-2021

Balkaur Singh and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

21. CWP-17477-2021

Sapna Gupta and Others

....Petitioners



CWP-15486-2021 (O&M)		-5-
	Versus	
State of Punjab and others		...Respondents
22. CWP-17589-2021		
Saroj Rani and Others		Petitioners
	Versus	
State of Punjab and others		...Respondents
23. CWP-17599-2021		
Shelly Sharma and Others		Petitioners
	Versus	
State of Punjab and others		...Respondents
24. CWP-17653-2021		
Kirna Rani and Others		Petitioners
	Versus	
State of Punjab and others		...Respondents
25. CWP-17740-2021 (O&M)		
Surinder Pal and Others		Petitioners
	Versus	
State of Punjab and others		...Respondents
26. CWP-17919-2021		
Rajan Singh Thind and Others		Petitioners
	Versus	
State of Punjab and others		...Respondents
27. CWP-17924-2021		



CWP-15486-2021 (O&M)

-6-

Reenu and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

28. CWP-17927-2021

Saranjot Kaur and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

29. CWP-17929-2021

Eshver Singh and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

30. CWP-17952-2021

Navjot Sidhu and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

31. CWP-18038-2021

Kewal Krishan and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

32. CWP-18044-2021

Jagjeet Singh and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

33. CWP-18045-2021



Reema and Others		Petitioners
	Versus	
State of Punjab and others		...Respondents
34. CWP-18046-2021		
Mamta Rani and Others		Petitioners
	Versus	
State of Punjab and others		...Respondents
35. CWP-18049-2021		
Aruna Devi		Petitioner
	Versus	
State of Punjab and others		...Respondents
36. CWP-18051-2021		
Surinder Kumar and others		Petitioner
	Versus	
State of Punjab and others		...Respondents
37. CWP-18071-2021		
Ajay Kumar Patial		Petitioners
	Versus	
State of Punjab and others		...Respondents
38. CWP-18072-2021		
Shubham Chaudhary and Others		Petitioners
	Versus	
State of Punjab and others		...Respondents
39. CWP-18178-2021		
Kuldeep Singh and Others		Petitioners



CWP-15486-2021 (O&M)

-8-

Versus

State of Punjab and others

...Respondents

40. CWP-18202-2021

Gagandeep Kaur and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

41. CWP-18204-2021

Amanpreet Singh and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

42. CWP-18324-2021

Jaswinder Singh and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

43. CWP-18345-2021

Sukhpreet Kaur and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

44. CWP-18358-2021

Onkar Singh Kamboj and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

45. CWP-18379-2021



CWP-15486-2021 (O&M)

-9-

Neelam Kumari and Another

....Petitioners

Versus

State of Punjab and others

...Respondents

46. CWP-18383-2021

Simran Rani and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

47. CWP-18455-2021

Beant Singh and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

48. CWP-18456-2021

Richa Garg and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

49. CWP-19160-2021

Simran and Another

....Petitioners

Versus

State of Punjab and others

...Respondents

50. CWP-19371-2021

Sandeep Kaur

....Petitioner

Versus

State of Punjab and others

...Respondents

51. CWP-19431-2021



CWP-15486-2021 (O&M)		-10-
Gurmeet Singh and others		Petitioners
	Versus	
State of Punjab and others		...Respondents
52. CWP-19551-2021		
Narinder Singh and others		Petitioners
	Versus	
State of Punjab and others		...Respondents
53. CWP-18375-2021		
Prince and others		Petitioners
	Versus	
State of Punjab and others		...Respondents
54. CWP-19253-2021		
Amandeep Singh and others		Petitioners
	Versus	
State of Punjab and others		...Respondents
55. CWP-19293-2021		
Priyanka Rani and others		Petitioners
	Versus	
State of Punjab and others		...Respondents
56. CWP-19327-2021		
Ramandeep Singh and others		Petitioners
	Versus	
State of Punjab and others		...Respondents



57. CWP-20807-2021

Amandeep Kaur and Another

....Petitioners

Versus

State of Punjab and others

...Respondents

58. CWP-20960-2021 (O&M)

Swaranjit Singh and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

59. CWP-21092-2021 (O&M)

Rahul Kataria and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

60. CWP-22097-2021

Manjeet Kaur

....Petitioner

Versus

State of Punjab and others

...Respondents

61. CWP-22099-2021

Buta Singh and Another

....Petitioners

Versus

State of Punjab and others

...Respondents

62. CWP-22228-2021

Shiv Kumar Kainth and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

63. CWP-22444-2021



Jasneet Kaur and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

64. CWP-22860-2021

Mandeep Singh and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

65. CWP-23118-2021

Mishali Singla

....Petitioner

Versus

State of Punjab and others

...Respondents

66. CWP-23784-2021

Sukhbir Kaur

....Petitioner

Versus

State of Punjab and others

...Respondents

67. CWP-25514-2022

Jobanpreet Singh and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

68. CWP-25745-2022

Sunil Kumar Garg and Others

....Petitioners

Versus

State of Punjab and others

...Respondents



69. CWP-25757-2021

Kamalpreet Kaur

....Petitioner

Versus

State of Punjab and others

...Respondents

70. CWP-27794-2022

Vikram Kumar

....Petitioner

Versus

State of Punjab and others

...Respondents

71. CWP-2825-2022

Mukesh Kumar

....Petitioner

Versus

State of Punjab and others

...Respondents

72. CWP-589-2022

Deep Jyoti and Others

....Petitioners

Versus

State of Punjab and others

...Respondents

73. CWP-771-2022

Jatinder Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

74. CWP-2176-2024

Ritu and Others

....Petitioners

Versus



CWP-15486-2021 (O&M)

-14-

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present:- **For the Petitioners**

Mr. Rajiv Atma Ram, Sr. Advocate assisted by
Mr. Brijesh Khosla, Mr. H.S. Saini, Mr. Vikas Chatrath,
Mr. G.S. Nahel, Mr. Peeush Gagneja, Mr. Ankit Kumar Garg,
Mr. Pardeep Singh Mirpur, Mr. H.S.Saini, Mr. S.S. Saini,
Mr. Shadab Ahmad, Mr. Pankaj Garg, Mr. Gurpreet Jayia,
Mr. Abhished K. Premi, Advocates.

Mr. R.S.Bains, Sr. Advocate with
Ms. Aarushi Garg, Advocate
in CWP No. 15486-2021 and 25514-2022

For the respondents

Ms. Anu Chatrath, Addl. A.G. Punjab

Mr. Maninder Singh, Sr. DAG, Punjab

Mr. S.P. Jain, Addl. Solicitor General of India with
Mr. Arun Gosain, Sr. Government Counsel
for the respondent-UOI.

Mr. Amit Jhanji, Sr. Advocate with
Mr. H.S. Sidhu, Advocate
for respondent Nos. 4 to 16

Mr. J.S. Gill, Advocate
for the petitioners in CWP No. 15486-2021
and for respondent Nos. 22 to 95 in CWP No. 17740-2021

Mr. Arjun Shukla, Advocate for respondent No.12.

Ms. Gursimran Kaur, Advocate
for the respondent-NCTE.

SUDEEPTI SHARMA, J.**1. CHALLENGE MADE IN ALL THE WRIT PETITIONS****CWP-15486-2021**

**CWP-15486-2021 (O&M)****-15-**

Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group-C Service (First Amendment) Rules, 2021 (Annexure P-4) alongwith consequential Advertisement dated 30.07.2021 (Annexure P-7), since the amendment is in breach of NCTE notification dated 28.06.2018 (Annexure P-3), same cannot sustain, especially view of the settled law, State of U.P. and others Vs. Shiv Kumar Pathak and others, 2017 (3) SCT 704 (SC) decided on 25.07.2017 (Annexure P-11) and also to quash the criteria in the impugned advertisement which is in the teeth of the statutory Rules by providing marks for Graduation as per division, whereas under rules the criteria for selection is marks obtained in the written examination, any criteria in the advertisement contrary to the statutory rules cannot sustain in view of the settled position of law.

It is further prayed that a writ in the nature of Mandamus be issued directing the State-respondents to hold the candidates possessing the minimum qualifications as laid down by the NCTE notification dated 26.06.2018 (Annexure P-3) as eligible for the selection and appointment for the post of ETT, especially when the department in terms of Punjab State Elementary Education (Teaching Cadre) Group-C Service Rules, 2018 (Annexure P-2) had duly accepted the said qualification as valid and recognized and also in view of the law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State and same cannot be against the same and further once the qualification stands recognized, the same cannot be varied.

It is further prayed that the respondent-State be restrained from going ahead with selection and appointment process in pursuance to the impugned

**CWP-15486-2021 (O&M)**

-16-

advertisement dated 30.07.2021 (Annexure P-7), issued in pursuance to the Impugned Rules dated 27.07.2021 (Annexure P-4), since are contrary to the law and factual position especially the notification dated 28.06.2018 (Annexure P-3) issued by NCTE and law, furthermore, the criteria in the advertisement is against the statutory rules which cannot sustain, alternatively, it is prayed that the petitioners be allowed to submit their application forms during the pendency of the writ petition.

CWP-1003-2022

The present petition under Articles 226/227 of the Constitution of India, for issuance of any writ, direction or order especially in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre), Group-C Service (First Amendment) Rules, 2021 (Annexure P-4), along with consequential advertisement dated 30.07.2021 (Annexure P-7), since the amendment is in breach of NCTE notification dated 28.06.2018 (Annexure P-3), the same cannot sustain, especially in view of the settled law in State of U.P. and others vs. Shiv Kumar Pathak and others 2017 (3) SCT 704 (SC) decided on 25.07.2017 (Annexure P-11), and also to quash the criteria in the impugned advertisement which is in the teeth of the statutory rules by providing marks for graduation as per division, whereas under rules the criteria for selection is marks obtained in the written examination, any criteria in the advertisement contrary to the statutory rules cannot sustain in view of the settled position of law.

It is further prayed that a writ in the nature of Mandamus be issued directing the State-respondent to hold the candidates possessing the minimum qualifications as laid down by the NCTE notification (Annexure P-3), as eligible for the selection and appointment for the post of ETT, especially when the

**CWP-15486-2021 (O&M)****-17-**

department in terms of Punjab State Elementary Education (Teaching Cadre), Group-C Service Rules, 2018 (Annexure P-2) had duly accepted the said qualification as valid and recognized and also in view of the law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State and same cannot be against the same and further once the qualification stands recognized, the same cannot be varied.

It is further prayed that the respondent- State be restrained from going ahead with selection and appointment process in pursuance of the impugned advertisement dated 30.07.2021 (Annexure P-7), issued in pursuance to the impugned rules dated 27.07.2021 (Annexure P-4) since are contrary to the law and factual position especially the notification dated 28.06.2018 (Annexure P-3), issued by the NCTE and law, furthermore, the criteria in the advertisement is against the statutory rules which cannot sustain, alternatively.

CWP-1219-2022

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group-C Service (First Amendment) Rules, 2021 (Annexure P-6) alongwith consequential Advertisement dated 30.07.2021 (Annexure P-9), since amendment is in breach of NCTE notification dated 28.06.2018 (Annexure P-5), same cannot sustain, especially in view of the settled law in "State of U.P. and others Shiv Kumar Pathak and others; 2017 (3) SCT 704" (Annexure P-13) and furthermore to quash criteria in the impugned advertisement which is in complete abrogation of the statutory Rules by providing marks for Graduation as per division, whereas under rules the criteria for selection

**CWP-15486-2021 (O&M)****-18-**

is marks obtained in the written examination, any criteria in the advertisement contrary to the statutory rules cannot sustain in view of the settled position of law;

Furthermore, it is prayed that a writ in nature Mandamus be issued directing the State-respondents to hold the candidates possessing the minimum qualifications as laid down by the NCTE notification dated 26.06.2018 (Annexure P-5) as eligible for selection and appointment for the post of ETT, especially when the department in terms of Punjab State Elementary Education (Teaching Cadre) Group-C Service Rules, 2018 (Annexure P-4) had duly accepted the said qualification as valid and recognized and also in view of law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State and same cannot be against the same and further once the qualification stands recognized, the same cannot be varied;

Furthermore, it is prayed that the respondent-State be restrained from going ahead with selection and appointment process in pursuance to the Impugned advertisement dated 30.07.2021 (Annexure P-9), issued in pursuance to the Impugned Rules dated 27.07.2021 (Annexure P-6), since are contrary to the law and factual position especially the notification dated 28.06.2018 (Annexure P-5) issued by NCTE and law, furthermore, the criteria in the advertisement is against the statutory rules which cannot sustain in the eyes of law.

CWP-14542-2023

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (ANNEXURE P-4) along with consequential Advertisement dated 30.07.2021 (ANNEXURE P-7).

**CWP-15486-2021 (O&M)****-19-**

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (ANNEXURE P-2).

CWP-1463-2022

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group -C Service (First Amendment) Rules, 2021 (Annexure P-4) along with an 30.07.2021 Advertisement (Annexure P-1), since the amendment is against the NCTE notification dated 28.06.2018 (Annexure P-3), same cannot be sustained, and also to quash the criteria in the impugned advertisement which is in the teeth of the statutory Rules by providing marks for Graduation as per division, whereas under rules the criteria for selection is, marks obtained in the written examination any criteria in the advertisement contrary to the statutory rules cannot sustain in view of the settled position of law.

It is further prayed that a writ in the nature of Mandamus be issued directing the State-respondent to hold the candidates possessing the minimum qualifications as laid down by the NCTE notification dated 28.06.2018 (Annexure P- 3) as eligible for the selection and appointment for the post of ETT, especially when the department in terms of Punjab State Elementary Education (Teaching Cadre) Group - C Service Rules, 2018 (Annexure P-2) had duly accepted the said qualification as valid and recognized and also in view of the law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State and same cannot be against the same and further once the qualification stands recognized, the same cannot be varied.

**CWP-15486-2021 (O&M)****-20-**

It is further prayed that the respondent State be restrained from going ahead with selection and appointment process pursuance to in the Impugned advertisement dated 30.07.2021 (Annexure P-1), issued in pursuance to the Impugned Rules dated 27.07.2021 (Annexure P-4) since are contrary to the law and factual position especially the notification dated 28.06.2018 (Annexure P-3) issued by NCTE & law, further more criteria in the advertisement is against statutory rules which cannot sustain in the eyes of law.

CWP-15495-2021

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction, especially in the nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2), being not only illegal and arbitrary but also unjust, unfair and against the provisions of Article 14 & 16 of the Constitution of India and settled propositions of law as enumerated in a catena of judgments.

Issuance of an appropriate writ, order or direction, especially in the nature of Mandamus for directing the respondents to consider and allow the petitioners to join the recruitment process in pursuance of advertisement/public appointment notice dated 30.07.2021 (Annexure P-1) issued by respondent no. 3, since the petitioners possess the requisite qualification which is essential for appointment as Teacher for classes I to VIII (i.e., Elementary Trained Teacher) as per the guidelines dated. 28.06.2018 (Annexure P-3) issued by National Council for Teachers Education (N.C.T.E) but the petitioners are not allowed to participate in the selection process, in an illegal and arbitrary manner.

**CWP-15486-2021 (O&M)****-21-**

It is further prayed that during the pendency of present writ petition, further recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1), may kindly be stayed during the pendency of the present writ petition or in the alternative the respondents may kindly be directed to accept the applications of the petitioners provisionally, in the interest of justice.

For issuance of any other writ, order or direction, which this Court may deem fit and proper in the facts and circumstances of the present case.

CWP-15674-2021

Civil writ petition in the nature of certiorari to quash the impugned notification no. G.S.R.98/ Const. Art.309/ and (2)/2021 dated 27.07.2021 (Annexure P-1) whereby the Government of Punjab has amended the Punjab State Elementary Education (Teaching Cadre) Group-C Service Rules 2018 to the extent that qualification of B.Ed. has been removed from the eligibility criteria and two years diploma in elementary education is made mandatory for the post of ETT.

The post of Elementary Trained Teacher (ETT) advertised vide advertisement no. 5/2-2021 dated 30.07.2021 (Annexure P-3) on the basis of qualification of B.Ed. and further on the additional ground that the petitioner is appearing in 2nd year examination of two year Diploma in Elementary Education scheduled from 19.08.2021 to 28.08.2021.

CWP-16213-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7),

**CWP-15486-2021 (O&M)****-22-**

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-16375-2021

The writ in the nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2), since the amendment is in breach of N.C.T.E notification dated 28.06.2018 (Annexure P- 3).

Allow the petitioners to join the recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1) issued by respondent no. 3.

The petitioners possess the requisite qualification which is essential for appointment as Elementary Trained Teacher as per the notification dated 28.06.2018 (Annexure P-3) issued by National Council for Teachers Education (N.C.T.E).

CWP-164-2022

Civil Writ Petition under Articles 226/227 of the Constitution of India is for issuance of a writ, order or direction, especially in the nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2), since the amendment is in breach of N.C.T.E notification dated 28.06.2018 (Annexure P. 3) and further not only illegal and arbitrary but also unjust, unfair and against the provisions of

**CWP-15486-2021 (O&M)****-23-**

Article 14 & 16 of the Constitution of India and settled propositions of law as enumerated in a catena of judgments.

Issuance of an appropriate writ, order or direction, especially in the nature of Mandamus for directing the respondents to consider the petitioners for the recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1) issued by respondent no. 3, since the petitioners possess the requisite qualification which is essential for appointment as Elementary Trained Teacher as per the notification dated 28.06.2018 (Annexure P-3) issued by National Council for Teachers Education (N.C.T.E), but the petitioners are not being considered in the selection said process, in an illegal and arbitrary manner.

It is further prayed that during the pendency of present writ petition, further recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1), may kindly be stayed during the pendency of the present writ petition or in the alternative the respondents may kindly be directed to consider the applications of the petitioners provisionally, in the interest of justice.

For issuance of any other writ, order or direction, which this Court may deem fit and proper in the facts and circumstances of the present case.

CWP-16410-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) alongwith consequential Advertisement dated 30.07.2021 (Annexure P-7).

**CWP-15486-2021 (O&M)****-24-**

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-16513-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-16631-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-16874-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

**CWP-15486-2021 (O&M)****-25-**

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-16875-2021

Writ in the nature of certiorari quashing the Impugned Notification dated 28.06.2018 (Annexure P-14), issued by the respondent No. 2/ National Council for Teacher Education (NCTE), whereby merely on the directions of the HRD Minister, Govt. of India, even without constitution of Expert Committee, as required under law, the candidates possessing the qualification of Bachelors in Education (B.Ed.) have been made eligible for appointment against the posts of Primary School/ETT Teachers for Class I to V while acting contrary to provisions of original Notification dated 23.08.2010 (Annexure P-3).

Nature of certiorari quashing Appendix "B" pertaining to the post of Elementary Trained Teacher (ETT) of the "Punjab State Elementary Education (Teaching Cadre) Group C Service Rules, 2018" dated 21.05.2018 (Annexure P-5) read with "Punjab State Elementary Education (Teaching Cadre) Group C Service (First Amendment) Rules, 2020" dated 26.02.2020 (Annexure P-15) as well as of "Punjab State Elementary Education (Teaching Cadre) Border Area Group C Service Rules, 2018" dated 21.05.2018 (Annexure P-6) read with "Punjab State Elementary Education (Teaching Cadre) Border Area Group C Service (First Amendment) Rules, 2020" dated 26.02.2020.

CWP-16963-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment

**CWP-15486-2021 (O&M)****-26-**

Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-17132-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 dated 27.07.2021 (Annexure P-4) along with impugned consequential Advertisement dated 30.07.2021 (Annexure P-178),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-17342-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-17384-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment

**CWP-15486-2021 (O&M)****-27-**

Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-17470-2021

The nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2), since the amendment is in breach of N.C.T.E notification dated 28.06.2018 (Annexure P- 3).

Allow the petitioners to join the recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1) issued by respondent no. 3, since the petitioners possess the requisite qualification which is essential for appointment as Elementary Trained Teacher as per the notification dated 28.06.2018 (Annexure P-3) issued by National Council for Teachers Education (N.C.T.E).

CWP-17477-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

**CWP-15486-2021 (O&M)****-28-****CWP-17589-2021**

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-17599-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 dated 27.07.2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-17653-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (ANNEXURE P-4) along with consequential Advertisement dated 30.07.2021 (ANNEXURE P-7),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (ANNEXURE P-2).

CWP-17740-2021

**CWP-15486-2021 (O&M)****-29-**

CIVIL WRIT PETITION under Article 226 of the Constitution of India, for grant of the following reliefs:-

- i. summon the entire records of the case for its kind perusal;
- ii. issue a Writ in the nature of Certiorari, quashing the impugned Notification dated 28.06.2018 (Annexure P-16) issued by the National Council of Teachers Education and if necessary, NCTE Regulation dated 12.11.2014 (Annexure P-15);
- iii. issue a Writ in the nature of Mandamus, directing the Respondent-State to consider only E.T.T. qualified candidates for appointment to Elementary Trained Teachers posts in the State of Punjab;
- iv. issue a Writ in the nature of Mandamus, directing the Respondent that no B.Ed. person can be appointed against E.T.T. post except without after the appointment of all E.T.T. qualified persons who applied;
- v. issue any other Writ, Order or Direction, as this Court may deem just and proper, keeping in view the peculiar facts and circumstances of the present case.
- vi. dispense with the service of advance notices upon the Respondent,
- vii. exempt the petitioners from filing the certified copies of Annexures P-1 to P- 17 along with the present Civil Writ Petition and also allow the petitioners to place on record Photostat/dim/ downloaded copies of few of the Annexures;
- viii. award the costs of the present Writ Petition in favour of the petitioners and against the Respondents.

INTERIM PRAYER

**CWP-15486-2021 (O&M)****-30-**

It is further respectfully prayed that pending the decision of the present Civil Writ Petition, the Respondent-State be restrained from considering and appointing B.Ed. qualified Teachers against Elementary Trained Teachers posts in the State of Punjab for teaching Class-I to Class-V, in the interest of justice.

CM -13738-2023

APPLICATION under Section 151 of the Code of Civil Procedure to dispose of the Civil Writ Petition in terms of the Judgment of the Hon'ble Supreme Court in S.L.P. (Civil) No. 20743 of 2021 decided on 11.08.2023.

CWP-17919-2021

The writ in nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2), since the amendment is in breach of N.C.T.E notification dated 28.06.2018 (Annexure P- 3).

Allow the petitioners to join the recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1) issued by respondent no. 3, since the petitioners possess the requisite qualification which is essential for appointment as Elementary Trained Teacher as per the notification dated 28.06.2018 (Annexure P-3) issued by National Council for Teachers Education (N.C.T.E).

CWP-17924-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment

**CWP-15486-2021 (O&M)**

-31-

Rules 2021 dated 27.07.2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-17927-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-17929-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-18038-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment

**CWP-15486-2021 (O&M)**

-32-

Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-18044-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-18045-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-18046-2021

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service (First Amendment)

**CWP-15486-2021 (O&M)****-33-**

Rules, 2021 27.07.201(Annexure P-4) along with an Advertisement dated 30.07.2021 (Annexure P-1), since the amendment is against the NCTE notification dated 28.06.2018 (Annexure P-3), same cannot be sustain, and also to quash the criteria in the impugned advertisement which is in the teeth of the statutory Rules by providing marks for Graduation as per division, whereas under rules the criteria for selection is, marks obtained in the written examination any criteria in the advertisement contrary to the statutory rules cannot sustain in view of the settled position of law.

It is further prayed that a writ in the nature of Mandamus be issued directing the State- respondents hold the candidates possessing the minimum qualifications as laid down by the NCTE notification dated 28.06.2018 (Annexure P-3) as eligible for the selection and appointment for the post of ETT, especially when the department in terms of Punjab State Elementary Education (Teaching Cadre) Group C Service Rules, 2018 (Annexure P-2) had duly accepted the said qualification as valid and recognized and also in view of the law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State and same cannot be against the same and further once the qualification stands recognized, the same cannot be varied.

It is further prayed that the respondent State be restrained from going ahead with selection and appointment process in pursuance to the Impugned advertisement dated 30.07.2021 (Annexure P-1), issued in pursuance to the Impugned Rules dated 27.07.2021 (Annexure P- 4) since are contrary to the law and factual position especially the notification dated 28.06.2018 (Annexure P-3) issued by NCTE & law, further more criteria in the advertisement is against the

**CWP-15486-2021 (O&M)****-34-**

statutory rules which cannot sustain alternatively, it is prayer petitioners permit to allow to submit their application form during the pendency of this writ petition.

CWP-18049-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-18051-2021

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction, especially in the nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2), since the amendment is in breach of N.C.T.E notification dated 28.06.2018 (Annexure P- 3) and further not only illegal and arbitrary but also unjust, unfair and against the provisions of Article 14 & 16 of the Constitution of India and settled propositions of law as enumerated in a catena of judgments.

Issuance of an appropriate writ, order or direction, especially in the nature of Mandamus for directing the respondents to consider and allow the petitioners to join the recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1) issued by respondent no. 3, since the petitioners possess the requisite qualification which is essential for

**CWP-15486-2021 (O&M)****-35-**

appointment as Elementary Trained Teacher as per the notification dated 28.06.2018 (Annexure P-3) issued by National Council for Teachers Education (N.C.T.E) but the petitioners are not allowed to participate in the selection process, in an illegal and arbitrary manner.

It is further prayed that during the pendency of present writ petition, further recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1), may kindly be stayed during the pendency of the present writ petition or in the alternative the respondents may kindly be directed to accept the applications of the petitioners provisionally, in the interest of justice.

CWP-18071-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2)

CWP-18072-2021

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group -C Service (First Amendment) Rules, 2021 (Annexure P-4) along with an Advertisement 30.07.2021 (Annexuredated P-1), since the amendment is against the NCTE notification dated 28.06.2018 (Annexure P-3), same cannot be sustain, and also to quash the criteria

**CWP-15486-2021 (O&M)****-36-**

in the impugned advertisement which is in the teeth of the statutory Rules by providing marks for Graduation as per division, whereas under rules the criteria for selection is, marks obtained in the written examination any criteria in the advertisement contrary to the statutory rules cannot sustain in view of the settled position of law.

It is further prayed that a writ in the nature of Mandamus be issued directing the State-respondents hold the candidates possessing the minimum qualifications as laid down by the NCTE notification dated 28.06.2018 (Annexure P- 3) as eligible for the selection and appointment for the post of ETT, especially when the department in terms of Punjab State Elementary Education (Teaching Cadre) Group -C Service Rules, 2018 (Annexure P-2) had duly accepted the said qualification as valid and recognized and also in view of the law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State and same cannot be against the same and further once the qualification stands recognized, the same cannot be varied.

It is further prayed that the respondent State be restrained from going ahead with selection and appointment pursuance to the process in Impugned advertisement dated 30.07.2021 (Annexure P-1), issued in pursuance to the Impugned Rules dated 27.07.2021 (Annexure P-4) since are contrary to the law and factual position especially the notification dated 28.06.2018 (Annexure P-3) issued by NCTE & law, further more criteria in the advertisement is against the statutory rules which cannot sustain alternatively, it is prayer petitioners permit to allow to submit their application form during the pendency of this writ petition.

CWP-18178-2021

**CWP-15486-2021 (O&M)****-37-**

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-18202-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (ANNEXURE P-2).

CWP-18204-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-18324-2021

**CWP-15486-2021 (O&M)****-38-**

The nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2), since the amendment is in breach of N.C.T.E notification dated 28.06.2018 (Annexure P- 3).

Allow the petitioners to join the recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1) issued by respondent no. 3,

The petitioners possess the requisite qualification which is essential for appointment as Elementary Trained Teacher as per the notification dated 28.06.2018 (Annexure P-3) issued by National Council for Teachers Education (N.C.T.E).

CWP-18345-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2)

CWP-18358-2021

The nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated

**CWP-15486-2021 (O&M)****-39-**

27.07.2021 (Annexure P-2), since the amendment is in breach of N.C.T.E notification dated 28.06.2018 (Annexure P- 3).

Allow the petitioners to join the recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1) issued by respondent no. 3, since the petitioners possess the requisite qualification which is essential for appointment as Elementary Trained Teacher as per the notification dated 28.06.2018 (Annexure P-3) issued by National Council for Teachers Education (N.C.T.E).

CWP-18379-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-18383-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-18455-2021

**CWP-15486-2021 (O&M)****-40-**

The writ in the nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2), since the amendment is in breach of N.C.T.E notification dated 28.06.2018 (Annexure P- 3).

The writ in the nature of Mandamus for directing the respondents to consider and allow the petitioners to join the recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1).

CWP-18456-2021

CIVIL WRIT PETITION under Articles 226/227 of the Constitution of India, for issuance of any writ, direction or order especially in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre), Group-C Service (First Amendment) Rules, 2021 (Annexure P-4), along with consequential advertisement dated 30.07.2021 (Annexure P-7), since the amendment is in breach of NCTE notification dated 28.06.2018 (Annexure P-3), the same cannot sustain, especially in view of the settled law in State of U.P. and others vs. Shiv Kumar Pathak and others 2017 (3) SCT 704 (SC) decided on 25.07.2017 (Annexure P-11), and also to quash the criteria in the impugned advertisement which is in the teeth of the statutory rules by providing marks for graduation as per division, whereas under rules the criteria for selection is marks obtained in the written examination, any criteria in the advertisement contrary to the statutory rules cannot sustain in view of the settled position of law.

It is further prayed that a writ in the nature of Mandamus be issued directing the State-respondents to hold the candidates possessing the minimum qualifications as laid down by the NCTE notification (Annexure P-3), as eligible

**CWP-15486-2021 (O&M)****-41-**

for the selection and appointment for the post of ETT, especially when the department in terms of Punjab State Elementary Education (Teaching Cadre), Group-C Service Rules, 2018 (Annexure P-2) had duly accepted the said qualification as valid and recognized and also in view of the law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State and same cannot be against the same and further once the qualification stands recognized, the same cannot be varied.

It is further prayed that the respondent-State be restrained from going ahead with selection and appointment process in pursuance of the impugned advertisement dated 30.07.2021 (Annexure P-7), issued in pursuance to the impugned rules dated 27.07.2021 (Annexure P-4) since are contrary to the law and factual position especially the notification dated 28.06.2018 (Annexure P-3), issued by the NCTE and law, furthermore, the criteria in the advertisement is against the statutory rules which cannot sustain, alternatively.

It is prayed that the petitioners be allowed to submit their application forms either online or offline mode during the pendency of the writ petition, as the last date for submission of online application forms stands expired.

CWP-19160-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

**CWP-15486-2021 (O&M)**

-42-

CWP-19371-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-19431-2021

the nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2).

Allow the petitioners to join the recruitment process in pursuance of advertisement/public appointment notice dated 30.07.2021 (Annexure P-1) issued by respondent no. 2, since the petitioners possess the requisite qualification which is essential for appointment as Teacher for classes I to VIII as per the guidelines dated 28.06.2018 (Annexure P-5).

Present writ petition, further recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1).

CWP-19551-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

**CWP-15486-2021 (O&M)**

-43-

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-18375-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-19253-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-19293-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-5).

**CWP-15486-2021 (O&M)****-44-**

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-19327-2021

The nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2).

Allow the petitioners to join the recruitment process in pursuance of advertisement/public appointment notice dated 30.07.2021 (Annexure P-1) issued by respondent no. 2, since the petitioners possess the requisite qualification which is essential for appointment as Teacher for classes I to VIII as per the guidelines dated 28.06.2018 (Annexure P-5).

Present writ petition, further recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1).

CWP-20807-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-5).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-20960-2021

**CWP-15486-2021 (O&M)****-45-**

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-5).

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-21092-2021

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction, especially in the nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2), since the amendment is in breach of N.C.T.E notification dated 28.06.2018 (Annexure P- 3) and further not only illegal and arbitrary but also unjust, unfair and against the provisions of Article 14 & 16 of the Constitution of India and settled propositions of law as enumerated in a catena of judgments.

Issuance of an appropriate writ, order or direction, especially in the nature of Mandamus for directing the respondents to consider and allow the petitioners to join the recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1) issued by respondent no 3 since the petitioners possess the requisite qualification which is essential for appointment as Elementary Trained Teacher as per the notification dated 28.06.2018 (Annexure P-3) issued by National Council for Teachers Education

**CWP-15486-2021 (O&M)****-46-**

(N.C.T.E) but the petitioners are not allowed to participate in the selection process, in an illegal and arbitrary manner.

It is further prayed that during the pendency of present writ petition, further recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1), may kindly be stayed during the pendency of the present writ petition or in the alternative the respondents may kindly be directed to accept the applications of the petitioners provisionally, in the interest of justice.

CWP-22097-2021

The nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2).

Allow the petitioners to join the recruitment process in pursuance of advertisement/public appointment notice dated 30.07.2021 (ANNEXURE P-1) issued by respondent no. 3, since the petitioners possess the requisite qualification which is essential for appointment as Teacher as per the guidelines dated 28.06.2018 (Annexure P-3).

CWP-22099-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-1),

**CWP-15486-2021 (O&M)****-47-**

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-22228-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-1),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

CWP-22444-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2)

CWP-22860-2021

The nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C', Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2), since the amendment is in breach of N.C.T.E notification dated 28.06.2018 (Annexure P- 3).

**CWP-15486-2021 (O&M)****-48-**

Allow the petitioners to join the recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1) issued by respondent no. 3, since the petitioners possess the requisite qualification which is essential for appointment as Elementary Trained Teacher as per the notification dated 28.06.2018 (Annexure P-3) issued by National Council for Teachers Education (N.C.T.E).

CWP-23118-2021

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-6),

The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2)

CWP-23784-2021

Civil Writ Petition under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ order or direction in the nature of Certiorari for quashing the Punjab State Elementary Education Teaching Cadre Group-C Service (First Amendment) Rules 2021 (Annexure P-4) alongwith consequential Advertisement dated 30.07.2021 (Annexure P-7) since the amendment is in breach of NCTE notification dated 28.06.2018 (Annexure P-3), same cannot sustain, especially in view of the settled law, State of U.P. and others Vs Shiv Kumar Pathak and others, 2017 (3) SCT 704 (SC) decided on 25.07.2017 (Annexure P-11) and also to quash the criteria in the impugned advertisement which is in the teeth of the statutory Rules by providing marks for Graduation whereas under as per

**CWP-15486-2021 (O&M)**

-49-

rules the division, criteria for selection is marks obtained in the written examination, criteria any advertisement contrary to in the the statutory rules cannot sustain in view of the settled position of law.

It is further prayed that a writ in the nature of Mandamus be issued directing the State-respondents to hold the candidates possessing the minimum qualifications as. laid down by the NCTE notification dated 28.06.2018 (Annexure P-3) as eligible for the selection and appointment for the post of ETT, especially when the department in terms of Punjab State Elementary Education (Teaching Cadre) Group-C Service Rules, 2018 (Annexure P-2) had duly accepted the said qualification as valid and recognized and also in view of the law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State and same cannot be against the same and further once the qualification stands recognized, the same cannot be varied.

It further is prayed that the respondent-State be restrained from going ahead process with selection and appointment in pursuance to the impugned advertisement dated 30.07.2021 (Annexure P- 7), issued in pursuance to the impugned Rules dated 27.07.2021 (Annexure P-4), since are contrary to the law and factual position especially the notification dated 28.06.2018 (Annexure P-3) issued by NCTF and law, furthermore, the criteria in the advertisement the is against rules which cannot sustain.

CWP-25514-2022

Petition under Article 226/227 of the Constitution of India praying for issuance of an appropriate writ, order or direction quashing the Punjab State Elementary Education (Teaching Cadre) Group-C Service (Second Amendment) Rules, dated 23.09.2022 (Annexure P-6) along with consequential Advertisement

**CWP-15486-2021 (O&M)****-50-**

dated 12.10.2022 (Annexure P-10), since the amendment is in breach of NCTE notification dated 28.06.2018 (Annexure P-5), by which it had amended the minimum eligibility qualifications from Graduation and two years Diploma in elementary education to either the above qualification or Graduation with at least 50% marks and Bachelor of Education (B.Ed.) but still the advertisement fails to mention the amended qualification making the petitioners unable to apply online at thus the urgency of the issue for interim directions/provisional permission to apply online even though the petitioners are all eligible to be considered for selection/appointment.

It is further prayed that a writ in the nature of Mandamus be issued directing the State-respondents to hold the candidates possessing the minimum qualifications as laid down by the NCTE notification dated 28.06.2018 (Annexure P-5) as eligible for the selection and appointment for the post of ETT, especially when the department in terms of Punjab State Elementary Education (Teaching Cadre) Group- C Service Rules, 2018 (Annexure P-4) had duly accepted the said qualification as valid and recognized and also in view of the law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State.

It is further prayed that the respondent-State be restrained from going ahead with selection and appointment process in pursuance to the Impugned advertisement dated 12.10.2022 (Annexure P-10), issued in pursuance to the Impugned Rules dated 23.09.2022 (Annexure P-6), since are contrary to the law and factual position especially the notification dated 28.06.2018 (Annexure P-5) issued by NCTE, and therefore the criteria in the advertisement is against the statutory rules.

**CWP-15486-2021 (O&M)****-51-**

It is further prayed that the petitioners be allowed to submit their online application forms during the pendency of the writ petition as the last date for submission of filling online form is 10.11.2022.

CWP-25745-2022

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group -C Service (Second Amendment) Rules, 2022 col. 2309.22. (Annexure P-4) along with an Advertisement dated 12.10.2022 (Annexure P-1), since the amendment is against the NCTE notification dated 28.06.2018 (Annexure P-3), same cannot be sustain, and also to quash the criteria in the impugned advertisement which is in the teeth of the statutory Rules by providing marks for Graduation and two years diploma in elementary education to either the above qualification or Graduation with at least 50% marks and Bachelor of Education (B.E.D) still but the advertisement fails to mention the amended qualification making the petitioner unable to apply online at thus the urgency of the issue for interim direction/ Provisionally to apply online even though the petitioners are eligible to be considered for selection appointment. It is further prayed that a writ in the nature of Mandamus be issued directing the State-respondents hold the candidates possessing the minimum qualifications as laid down by the NCTE notification dated 28.06.2018 (Annexure P-3) as eligible for the selection and appointment for the post of ETT, especially when the department in terms of Punjab State Elementary Education (Teaching Cadre) Group-C Service Rules, 2018 (Annexure P-2) had duly accepted the said qualification as valid and recognized and also in view of the law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State and same

**CWP-15486-2021 (O&M)****-52-**

cannot be against the same and further once the qualification stands recognized, the same cannot be varied.

It is further prayed that the respondent State be restrained from going ahead with selection and appointment process in pursuance to the impugned advertisement dated 12.10.2022 (Annexure P-1), issued in pursuance to the Impugned Rules dated 23.09.2022 (Annexure P-4) since are contrary to the law and factual position especially the notification dated 28.06.2018 (Annexure P-3) issued by NCTE & law, further more criteria in the advertisement is against the statutory rules which cannot sustain alternatively, it is prayer Petitioners Permit to allow to submit their application form during the pendency of this writ petition, last date is 10.11.2022.

CWP-25757-2021

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group -C Service (First Amendment) Rules, 2021 (Annexure P-4) along with an Advertisement dated 30.07.2021 (Annexure P-1), since the amendment is against the NCTE notification dated 28.06.2018 (Annexure P-3), same cannot be sustain, and also to quash the criteria in the impugned advertisement which is in the teeth of the statutory Rules by providing marks for Graduation as per division, whereas under rules the criteria for selection is, marks obtained in the written examination any criteria in the advertisement contrary to the statutory rules cannot sustain in view of the settled position of law.

**CWP-15486-2021 (O&M)****-53-**

It is further prayed that a writ in the nature of Mandamus be issued directing the State-respondents hold the candidates possessing the minimum qualifications as laid down by the NCTE notification dated 28.06.2018 (Annexure P- 3) as eligible for the selection and appointment for the post of ETT, especially when the department in terms of Punjab State Elementary Education (Teaching Cadre) Group -C Service Rules, 2018 (Annexure P-2) had duly accepted the said qualification as valid and recognized and also in view of the law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State and same cannot be against the same and further once the qualification stands recognized, the from going ahead with selection and appointment process in pursuance to the Impugned advertisement dated 30.07.2021 (Annexure P-1), issued in pursuance to the Impugned Rules dated 27.07.2021 (Annexure P-4) since are contrary to the law and factual position especially notification dated the 28.06.2018 (Annexure P-3) issued by NCTE & law, further more criteria in the advertisement is against the statutory rules which sustain in the eyes of law.

CWP-27794-2022

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group-C Service (First Amendment) Rules, 2021 (Annexure P-4) Dated 27.07.2021 along with an Advertisement (Annexure P-1) Dated 30.07.2021, Since the amendment is against the NCTE notification Dated 28.06.2018 (Annexure P-3) Same cannot be sustain, and also to quash the criteria in the impugned advertisement which is in the teeth of the statutory Rules by providing marks for Graduation as per division, whereas under rules the criteria for selection is, marks obtained in the written examination any

**CWP-15486-2021 (O&M)****-54-**

criteria in the advertisement contrary to the statutory rules cannot sustain in view of the settled position of law.

It is further prayed that a writ in the nature of Mandamus be issued directing the State-respondents hold the candidates possessing the minimum qualifications as. down by the NCTE notification Dated 28.06.2018 (Annexure P-3) as eligible for the selection and appointment for the post of ETT, especially when the department in terms of Punjab State Elementary Education (Teaching Cadre) Group-C Service Rules, 2018 (Annexure P-2) Dated 21.05.2018 had duly accepted the said qualification as valid and recognized and also in view of the law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State and same cannot be against the same and further once the qualification stands recognized, the same cannot be varied.

It is further prayed that the respondent State be restrained from going ahead with selection and appointment process in pursuance to the Impugned advertisement Dated 30.07.2021 (Annexure P-1), issued in pursuance to the Impugned Rules Dated 27.07.2021 (Annexure P-4) since are contrary to the law and factual position especially the notification dated 28.06.2018 (Annexure P-3) issued by NCTE & law, further more criteria in the advertisement is against the statutory rules which cannot sustain in the eyes of law.

CWP-2825-2022

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Service Group-C (First Amendment) Rules, 2021 (Annexure P-4) alongwith Advertisement dated (Annexure P-7), consequential 30.07.2021 since the amendment is in breach of NCTE notification

**CWP-15486-2021 (O&M)****-55-**

dated 28.06.2018 (Annexure P-3), same cannot sustain, especially in view of the settled law, State of U.P. and others Vs. Shiv Kumar Pathak and others, 2017 (3) SCT 704 (SC) decided on 25.07.2017 (Annexure P-11) and also to quash the criteria in the impugned advertisement which is in the teeth of the statutory Rules by providing marks for Graduation as per division, whereas under rules the criteria for selection is marks obtained in the written examination, any criteria in the advertisement contrary to the statutory settled position of law.

It is further prayed that a writ in the nature of Mandamus be issued directing the State-respondents to hold the candidate possessing the minimum qualifications as laid down by the NCTE notification dated 28.06.2018 (Annexure P-3) as eligible for the selection and appointment for the post of ETT, especially when the department in terms of Punjab State Elementary Education (Teaching Cadre) Group-C Service Rules, 2018 (Annexure P-2) had duly accepted the said qualification as valid and recognized and also in view of the law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State and same cannot be against the same and further once the qualification stands recognized, the same cannot be varied.

CWP-589-2022

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction, especially in the nature of Certiorari for quashing the Rule 3 (Containing Amendment of Appendix 'B', Serial No. 3 of the Punjab State Elementary Education [Teaching Cadre] Group 'C'. Service Rules, 2018) of notification dated 27.07.2021 (Annexure P-2), since the amendment is in breach of N.C.T.E notification dated 28.06.2018 (Annexure P- 3) and further not only illegal and arbitrary but also unjust, unfair and against the provisions of

**CWP-15486-2021 (O&M)****-56-**

Article 14 &16 of the Constitution of India and settled propositions of law as enumerated in a catena of judgments.

Issuance of an appropriate writ, order or direction, especially in the nature of Mandamus for directing the respondents to consider the petitioners for the recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1) issued by respondent no. 3, since the petitioners possess the requisite qualification which is essential for appointment as Elementary Trained Teacher as per the notification dated 28.06.2018 (Annexure P-3) issued by National Council for Teachers Education (N.C.T.E), but the petitioners are not being considered in the selection said process, in an illegal and arbitrary manner.

It is further prayed that during the pendency of present writ petition, further recruitment process in pursuance of advertisement/ public appointment notice dated 30.07.2021 (Annexure P-1), may kindly be stayed during the pendency of the present writ petition or in the alternative the respondents may kindly be directed to consider the applications of the petitioners provisionally, in the interest of justice.

CWP-771-2022

Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service (First Amendment) Rules, 2021 (Annexure P-4) along with an Advertisement dated 30.07.2021 (Annexure P-1), since the amendment is against the NCTE notification dated 28.06.2018 (Annexure P-3), same cannot be sustain, and also to quash the criteria in the impugned advertisement which is in the teeth of the statutory Rules by providing marks for Graduation as per division, whereas under rules the criteria for

**CWP-15486-2021 (O&M)****-57-**

selection is, marks obtained in the written examination any criteria in the advertisement contrary to the statutory rules cannot sustain in view of the settled position of law. It is further prayed that a writ in the nature of Mandamus be issued directing the State- respondents hold the candidates possessing the minimum qualifications as laid down by the NCTE notification dated 28.06.2018 (Annexure P - 3) as eligible for the selection and appointment for the post of ETT, especially when the department in terms of Punjab State Elementary Education (Teaching Cadre) Group -C Service Rules, 2018 (Annexure P-2) had duly accepted the said qualification as valid and recognized and also in view of the law laid down to the effect that NCTE being Central Act, its notifications will have binding effect over the State and same cannot be against the same and further once the qualification stands recognized, the same cannot be varied.

It is further prayed that the respondent State be restrained from going ahead with selection and appointment process Impugned in pursuance to the advertisement dated 30.07.2021 (Annexure P-1), issued in pursuance to the Impugned Rules dated 27.07.2021 (Annexure P- 4) since are contrary to the law and factual position especially the notification dated 28.06.2018 (Annexure P-3) issued by NCTE & law, further more criteria in the advertisement is against the statutory rules which cannot sustain alternatively, it is prayer petitioner permit to part of selection process during the pendency of this writ petition.

CWP-2176-2024

Issuance of a writ in the nature of Certiorari for quashing the Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021 (Annexure P-4) along with consequential Advertisement dated 30.07.2021 (Annexure P-7).



The selection and appointment for the post of ETT especially when the department in terms of Punjab State Elementary Education Teaching Cadre Group C Service Rules 2018 (Annexure P-2).

2. Since the similar issue is involved in all the connected writ petitions, therefore, vide this common judgement, we dispose of all the writ petitions mentioned above.

3. **SUBMISSIONS OF THE LEARNED COUNSELS**

i) **Mr. R.S.Bains, Sr. Advocate (in CWP No. 25514 of 2022)** contends that the petitioners are qualified teachers possessing B.Ed degrees and have cleared the PSTET-1 examination. They are aggrieved against the action of the respondent -State in excluding the candidates with graduation and B.Ed degree from a recognized university for selection and appointment process for the post of Elementary Trained Teachers (ETT) by virtue of impugned Punjab State Elementary Education (Teaching Cadre) Group C Service First Amendment Rules 2021, dated 27.07.2021 and Advertisement dated 30.07.2021 for 6635 ETT vacancies, which excluded candidates with B.Ed degrees. He further contends that NCTE, as an expert body, is vested with the authority to determine and update educational qualifications for teachers. The decision to allow B.Ed degree holders with the Bridge Course requirement, is within the scope of NCTE's regulatory powers. He, therefore, prays to direct the State to include B.Ed degree holders in ETT cadre.

ii) **Mr. Rajiv Atma Ram, Sr. Advocate (in CWP No.17740 of 2021)** contends that all the petitioners possess the qualifications of 10+2/B.A



Elementary Teaching Training (ETT) course and have passed Punjab State Teachers Eligibility Test. He further contends that his writ petition is squarely covered by the judgment passed by Hon'ble the Supreme Court, in C.A No. 5068 of 2023 titled as 'Devesh Sharma Vs. Union of India and Others decided on 11.08.2023 and subsequent clarification (Diary No. 4303 of 2024) decided on 08.04.2024. Therefore, he prays for the disposal of the writ petition in the same terms.

iii) **Mr. Vikas Chatrath, Advocate for respondent Nos. 11 to 24 (in CWP No.17740 of 2021)** contends that respondent Nos. 11 to 24 are B.Ed qualified candidates and a large number of candidates who have possessed the qualification of B.Ed have passed the Bridge Course , which was one of the essential feature for the purposes of selection and appointment as ETT Teachers in terms of the notification issued by NCTE , therefore, the rights of said candidates stood crystalized and the same cannot be taken away since order passed in review application in Devesh Sharma's case also holds that the candidates who stood appointed would have to pass Bridge Course , whereas the candidates who have passed the Bridge Course cannot be denied appointment being an exception carved out. Therefore, he contends that the respondents are entitled to the protection.

iv) **Mr. Arjun Shukla, Advocate for respondent Nos. 6 to 10 (in CWP No.17740 of 2021)** contends that respondent Nos. 6 to 10 are possessing B.Ed qualification and were eligible as per prevalent service Rules at the time of issuance of advertisement, notwithstanding subsequent legal developments. Therefore, he prays for their appointment in the recruitment process challenged in the present writ petition(s).

**4. SUBMISSIONS OF LEARNED STATE COUNSEL:-**

Per contra, learned State Counsel **Mr. Maninder Singh, Sr. DAG, Punjab** contends that it is the prerogative of the appointing authority to fix better qualification for any post. He further contends that notification dated 28.06.2018 of N.C.T.E, which made the B.Ed degree holders eligible to be appointed as E.T.T. Teachers has been quashed by High Court of Rajasthan vide judgment dated 25.11.2021, which has been upheld by the Hon'ble Supreme Court of India vide judgment dated 11.08.2023 in the case of **Devesh Sharma Versus Union of India And Ors [2023 AIR (Supreme Court) 3895]**. Therefore, he prays that the writ petitions be disposed of in view of the judgment passed in **Devesh Sharma's** case (supra). He further contends that the State has already completed the selection process, however, no result has been declared till date.

5. We have heard learned counsel for the parties and perused the whole record of these petitions.

6. THE UNDISPUTED FACTS

i) National Council for Teachers Education issued notification dated 28.06.2018, which is reproduced as under:-

NOTIFICATION

New Delhi, the 28th June, 2018

F. No. NCTE-Regl 012/16/2018. - In exercise of the powers conferred by sub-section (1) of Section 23 of Right of Children to Free and Compulsory Education Act. 2009 (35 of 2009) and in pursuance of notification number S.O. 750(E), dated the 31" March, 2010 issued by the Department of School Education and Literacy, Ministry of



Human Resource Development, Government of India, the National Council for Teacher Education (NCTE) hereby makes the following further amendments to the notification number F.N. 61-03/20/2010/NCTE/(N&S), dated the 23rd August, 2010, published in the Gazette of India, Extraordinary, Part III, Section 4, dated the 25th August, 2010, hereinafter referred to as the said notification namely:-

(1) In the said notification, in para 1 in sub-para (i), in clause (a) after the words and brackets "Graduation and two year Diploma in Elementary Education (by whatever name known), the following shall be inserted, namely:-

OR

"Graduation with at least 50 % marks and Bachelor of Education (B.Ed.)"

2. In the said notification in para 3, for sub-para(a), the following sub-para shall be substituted namely:-

"(a) who has acquired the qualification of Bachelor of Education from any NCTE recognized institution shall be considered for appointment as a teacher in classes I to V provided the person so appointed as a teacher shall mandatorily undergo a six month Bridge Course in Elementary Education recognized by the NCTE within two years of such appointment as primary teacher".

*SANJAY AWASTHI, Member Secy.
[ADVT.-III/4/Exty/121/18-19]*

Note: The Principal Notification was published in the Gazette of India, Extraordinary, Part III, Section 4, dated the 25th August, 2010 vide number 64-03/20/2010/NCTE(N&S), dated the 23rd August,



2010 and amended vide number 61-1/2011/NCTE(N&S), dated the 29th July, 2011.

As per the above notification B.Ed qualified candidates were eligible for appointment as ETT Teachers, subject to their mandatorily undergoing six month Bridge Course in Elementary Education recognized by the NCTE, within 2 years of their appointment as primary teacher.

ii) The State of Punjab vide notification dated 27.07.2021, amended Group 'C' Service Rules, 2018. The relevant portion of the said notified Rules is reproduced as under:-

GOVERNMENT OF PUNJAB
DEPARTMENT OF SCHOOL EDUCATION
(Education-V Branch)

NOTIFICATION

The 27th July, 2021

No. G.S.R 98/Const./Art.309/Amd. (2)/2021. In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab State Elementary Education (Teaching Cadre) Group 'C' Service Rules, 2018, namely:-

RULES

1. (1) *These rules may be called the Punjab State Elementary Education (Teaching Cadre) Group 'C' Service (First Amendment) Rules, 2021.*

(2) *They shall come into force on and with effect from the date of their publication in the Official Gazette.*

*

*

*

*

*



"3. Elementary Hundred
Trained per cent
Teacher

(1) Should have passed Graduation with minimum fifty-five per cent marks in case of General Category candidates, and fifty percent marks in the case of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Backward Classes and Physically Handicapped candidates, from a recognized university or institution:
Provided that the candidates, who have done or doing the Elementary Teachers Training course (or have done this course with other nomenclature), with 10+2 qualification, shall be considered for appointment into the Service under these rules, as a one-time measure till the 1st day of April, 2022, in order to remove the hardship of those candidates, who have acquired the said qualification under the previous rules; and

(2) should possess two years Elementary Teachers course from a recognized university or institution or two years Diploma in Elementary Education
(By whatever name known) ”

KRISHAN KUMAR
Secretary to Government of
Punjab, Department of School
Education.



iii) In view of the above-mentioned amended Rules, 2021, the State of Punjab advertised 6635 posts of ETT Teachers on 30.07.2021. The said advertisement dated 30.07.2021 is reproduced as under :-

(Model) Senior Secondary School, (Microsoft Building)
Phase-3B-1, Mohali Website www.educationrecruitmentboard.com
Public Appointments
(Posts of Teacher in Disadvantage Area)
(Punjab Act No. 12 of 2021)

Advertisement No.5/2-2021 R.D.(2)/2021258828
Dated: 30.07.2021

Online applications are being invited from the eligible candidates for filling up 6635 posts of E.T.T. cadre on the website of department www.educationrecruitmentboard.com w.e.f. 03.08.2021 to 18.08.2021 by the Punjab Education Department in accordance with D.P.I. (Ele.Edu.)'s, Punjab memo No. DPIEE-RECTOGENL/91/2021/2020456/2021/1 DATED 30.07.2021.
Category-wise break-up of these posts is as under:-

1. Category wise break-up of the posts:-

Sr. No.	Category	Number of posts (a)	Posts reserved for Women (From (a))
1.	General	2588	730
2	Scheduled Caste (M&B)	664	265
3.	Scheduled Caste (R. & O.)	664	266
4.	Scheduled Caste (Ex.-Servicemen) (M&B)	133	0
5.	Scheduled Caste (Ex-Servicemen) (R&O)	132	0
6.	Scheduled Caste (Sportsmen) (M&B)	33	0
7.	Scheduled Caste (Sportsmen) (R&O)	33	0



8.	Backward Classes	663	265
9.	Backward Classes (Ex-Servicemen)	133	0
10.	Sportsmen (General)	133	67
11.	Freedom Fighters	66	33
12.	Ex-servicemen (General)	465	266
13.	Physical Handicapped		
	1. Visual Impaired	67	17
	2. Hearing Impaired	68	17
	3. Orthopedically Disabled	66	18
	4. Intellectual Disability (including Autism and one percent specific learning disability and mental illness Or Multiple disability specified in Serial No.1 to 4 above, including deaf-blindness)	66	16
14.	Economically Weaker Section for General Category	663	199

2.0 Academic Qualifications:-

- (i) These posts shall be filled as per prescribed essential qualifications contained in "The Punjab State Elementary Education (Teaching Cadre) Group C Service Rules, 2018 and (Teaching Cadre) Border Area Group C Service Rules, 2018, The Punjab Education (Posting of Teacher in Disadvantage Area) Act, 2021 (Punjab Act No. 12 of 2021) dated April 5, 2021, Notification No. G.S.R.98/Const/Art-309 /And. (2)/2021 dated 27th July, 2021 containing amendment in the Punjab State Elementary Education (Teaching Cadre) Group "C" Service Rules, 2018. Concerned candidate should possess the following qualifications:-
- (ii) Should have passed 10+2 from a recognized Board or institution:
- (iii) Should possess two years Elementary Teachers Training Course from a recognized University or Institution or two years Diploma in Elementary Education (By



whatever name known).

Besides above educational qualifications, candidates should have passed Punjab State Teacher Eligibility Test conducted by Punjab Govt. under Right of Children to Free and Compulsory Education Act, 2009 and for the post of E.T.T. Teacher.

Note:-*The candidates who possess the requisite qualifications upto the last date for applying the post are advised to fill the form.*

3. Mode of selection:-

(i) *A written test (objective type) of State Level of 100 marks shall be conducted for recruitment of these posts. The candidates who fulfil prescribed academic/professional qualifications besides other conditions, their merit shall be prepared on the basis of written test and after adding marks for higher qualification.*

(ii) *The marks for higher qualification shall be awarded as under- Graduation - In First Division 5 Marks*

In Second Division = 3 Marks

In Third Division -2 Marks

(If more than one candidate secure equal marks in the written test, then the candidate who is elder in age, he will be kept higher in the merit and if marks and age of more than one candidate are equal, then the candidate who is having higher percentage of marks in professional Degree, he will be kept higher in the merit. Additional marks for higher qualifications will be awarded only to those candidates who fulfill the prescribed qualifications for direct recruitment for the post of E.T.T. Teachers.



4. Pay scale of the posts

The Pay Scale/Matrix of Rs.29200 (without any allowances) will be admissible as per Punjab Govt., School Education Department (Education-4 Branch)'s, notification No. 1301/2020-5Edu.7/277 dated 21.10.2020.

5. Age limit

- (i) As on 01.01.2021, age should be between 18 to 37 years.*
- (ii) Relaxation in upper age limit equivalent to the service rendered in Govt. Schools of Education Department, Punjab will be admissible to Shikhya Provider/Education Provider /Education Volunteers, E.G.S. Volunteers, A.I.E. Volunteers and Special Training Resource (STR) Volunteers in accordance with Punjab Govt., Education Department, Punjab notification No. 13/01/2020 /5 Edu.7/301/4 dated 11.11.2020.*
- (iii) Relaxation in upper age limit of 5 years will be admissible to candidates belonging to Scheduled Castes and Backward Classes of Punjab State,*
- (iv) The upper age limit for the employees of Punjab Govt., other States and Central Govt. will be 45 years.*
- (v) The upper age limit for widows and divorced women of Punjab State will be 42 years.*
- (vi) Relaxation in age upto 10 years will be admissible to the handicapped person's domicile of Punjab State.*
- (vii) For Ex-Serviceman of Punjab State, their service period in Defence Forces will be reduced from their present age and the balance age will be taken into account as per conditions above.*

6. Processing Fees for application



1. *For General and other category candidates* :
Rs.1,000/-
2. *Reserved category (SC/ST)* : *Rs.500/-*
3. *Ex-Serviceman (Self)* : *Nil*

Note:-

- (a) *The Ex-Servicemen (Self) will be exempted from payment of fees subject to the condition that they are not retired or discharged from service by the Central Govt. during service or before completing their tenure or on their own request. The dependents of the Ex-Servicemen will have to pay the prescribed fees and at the time of scrutiny of original documents will have to submit Lineal Descendent Certificate (LDC).*
- (b) *The handicapped candidates and domicile of Punjab will have to deposit fees as is applicable to the category to which they belong.*
- (c) *No candidate will be exempted/relaxed from the payment of fees except Ex-Serviceman (self) and in the event fees is not deposited, then his candidature shall be treated as cancelled.*
- (d) *The candidates at the time of scrutiny of documents will submit receipt of fees.*

7. **General Conditions**

- (i) *The candidates who want to avail the benefit of reservation for Schedule Castes and Backward Classes, caste should be clearly mentioned in their caste certificates issued by the competent authority. The female candidates belonging to SC and OBC categories, in whose certificates the name of their husband is mentioned, at the time of scrutiny of documents such*



female candidates will have to produce such certificate in which the name of their father belonging to SC/OBC category has been mentioned. In case, she does not produce such certificate, then her claim for SC or OBC category, as the case may be, will not be considered. The benefit of reservation for Scheduled Caste or Backward Class, whichever may be, will be given in accordance with Punjab Scheduled Caste & Backward Classes (Reservation in Services) Act, 2006, however, their selection will be subject to final decision of the Hon'ble Supreme Court in pending SLP (Civil) No. 23507 of 2010 in C.W.P. No. 18290 of 2009, Punjab Govt. and others Vs. Devinder Singh and others.

(ii) The Backward Class Certificate will be treated valid, till the candidate does not fall under the creamy layer. To avail the benefit of Backward Class, the candidate at the time of scrutiny of documents will be required to submit declaration alongwith application to the effect that there has been no change in his status and he does not fall within the creamy layer.

(iii) The benefit of reservation for Ex-Serviceman will only be available to the candidate domicile of State of Punjab. If the candidate himself is not an Ex-Serviceman, then benefit of reservation will be available to dependents of Ex-Servicemen. Such Ex-Servicemen/dependents of Ex-servicemen at the time of scrutiny of documents will produce requisite original certificate issued by competent authority.

(iv) The candidate seeking benefit of reservation under Freedom Fighter category will produce requisite original certificate at the time of scrutiny of original documents issued by competent authority in accordance with Punjab Govt. letter No. 16/57-97-8P- 3/SP 503 dated 27.11.2000.

(v) The candidates seeking benefit of reservation under Sportsman category will be required to produce the certificate which should have been issued by the Directorate, Sports,



Punjab indicating gradation therein. In the Sports category only the sports merits will be considered which will be prepared as per rules issued by Directorate Sports, Punjab.

(vi) Reservation under Handicapped quota will be in accordance with the Punjab Govt., Social Welfare & Women and Children Development Department letter No.10/26/95-5 S.S./1252 dated 02.05.1997 and letter No. 1/26/2017-3DC/1588894/1 dated 03.10.2019. The interested candidates will produce Disability Certificate which should have been issued by the competent authority before the last date for applying, same shall be produced at the time of scrutiny of documents. The Disability Certificate should contain upper or lower disability limit of 40% or above 40% permanent/partial. The certificate should also contain that he is fit for public employment/prescribed post. This certificate should have been issued by Civil Surgeon or Medical Officer authorized by him.

(vii) These posts shall be filled in accordance with the Punjab Civil Services (Reservation for of posts for Women) Rules, 2020 notified on 21.10.2020 and 29.12.2020.

(viii) These posts shall be filed in accordance with Punjab Govt., Social Justice, Empowerment & Minority, Punjab letter No. 1/24/2020-RC1/775-775 dated 18.12.2020.

(ix) The reservation policy will apply as per conditions issued by the Punjab Govt. from time to time.

(x) The benefit of reservation will be available only to the domicile of State of Punjab.

(xi) The candidate will be considered in the category in which he has filled the form and will be treated under that category in which he has deposited the fee/confirmed. Change in category shall not be considered at any stage.

(xii) The candidates of liberated category will fill up online form in their category.



(xiii) *The benefit of reservation for Economical Weaker Section category in accordance with instructions issued Welfare Department, Punjab (Reference is made to letter No. 1/3/2019 RC1/700 dated 30.10.2020 and letter No. 1/3/2019-RC1/196 dated 18.03.2021).*

(xiv) *The candidate should have passed Punjabi upto Matric standard.*

(xv) *The joint seniority of males and female will be prepared.*

(xvi) *The number of posts advertised can be increased or decreased by the Govt.*

(xvii) *The candidates are advised to fill up the form themselves while taking assistance of cyber cafe for submitting online application. The candidate will not be allowed to make any changes in the form once the form is filled up and approved by the candidate and no further opportunity for any correction will be provided. No request in this regard will be considered by the department.*

(xviii) *No right for appointment will vest with candidate simply on account of submission of application for the post or calling for scrutiny of documents.*

(xix) *The decision taken by the Education Recruitment Directorate Punjab regarding this recruitment shall be final and will apply to all.*

(xx) *The candidate should mention his mobile number, e-mail address, his bank account number, IFSC code of Bank, name of the branch etc. while filling his form online.*

(xxi) *The handicapped candidates having domicile of State of Punjab will deposit fee to which category he belong. The submission of certificate of concerned category will be mandatory at the time of scrutiny of documents.*

(xxii) *The candidates are advised that they should apply themselves after going through the details regarding recruitment. For the updates, they should check the website*



www.educationrecruitmentboard.com from time to time. Any type of information will be provided to the candidates on the website of the department. Any type of information Public Notice /additional information shall not be provided by publishing in the newspapers.

(xxiii) The concerned candidate will be covered under new Contributory Pension Scheme as per Notification No.11/9402-PP2/650 dated 12.01.2004 issued by the Govt.

(xxiv) The department reserves its right to cancel the advertisement due to any reason.

(xxv) The candidate will be personally responsible for any mistake while filling the form online. The Education Recruitment Directorate, Punjab will not be responsible in this respect.

(xxvi) Only those Govt, employees will be eligible for appointment where concerned Head of the Department has certified no disciplinary proceedings are contemplated against the employee or under Punjab Civil Services (Punishment & Appeal) Rules, 1970 or under any applicable rules as the case may be, has not been awarded any punishment or facing trial in any case or undergoing imprisonment or is unfit on account of integrity and professional misconduct.

(xxvii) Regarding EWS reservation, fresh certificate should have been issued in terms of Govt. Notification No.8/2/2019-3 P.P. /1548834/1 dated 15.08.2019.

IMPORTANT NOTE :-

(a) The educational/professional qualification certificate of candidates should have been prepared on or before the last date for submission of application. The certificates of different categories viz. S.C/S.T., Handicapped and other requisite certificates etc. for availing the benefit of



reservation will be treated valid after submission/checking thereof at the time of scrutiny. Thereafter, no request of any candidate will be accepted. The candidates are advised that they should get prepared requisite certificates/documents in advance so that they can show certificates/documents at the time of scrutiny. No separate time/opportunity shall be granted for preparation of certificate after scrutiny of documents.

8. Procedure for applying online

- a. Website www.educationrecruitmentboard.com*
- b. The candidate will get himself registered for once. If any candidate wants to apply for more than one category, he will submit different applications under one registration number. If any candidate applies under more than one registration numbers, first registration number (if any) shall be treated as cancelled.*
- c. First of all candidate will get done his registration on the above website. For the purpose of registration, the candidate will first go on the above website and will click on New Registration and requisite information be filled. Once the registration is done, no information with respect to registration can be update/edit. After registration, the candidate with the help of registration number and password will login his account. The candidate can click the link "application fee" and can deposit of fee online.*
- d. After confirmation of fee, the candidate must take printout of his application form and keep it safely. It is also clarified that there is no need to send the application form or any other document by post to this office. Any document should only be sent on demand.*



e. The candidate at the time of applying online will upload one self attested photograph and scanned signatures.

IMPORTANT DATES

The last date for depositing fee online will be 18.08.2021 (upto 05.00 P.M.).

*Sd/-Assistant Director,
Education Recruitment
Directorate, Punjab
30.07.2021*

As per the above reproduced advertisement only ETT qualified candidates were eligible to apply, whereas, B.Ed qualified candidates were not. B.Ed qualified candidates filed CWP-15486-2021, titled as '*Harwinder Singh & Others Vs. State of Punjab and Others*' and CWP-16213-2021, titled as '*Manisha Sharma & Ors. Vs. State of Punjab and Others*' in this Court claiming right to be considered and appointed as ETT Teachers, they also challenged the Punjab Government Rules, 2021, dated 27.07.2021, which do not permit B.Ed qualified candidates for appointment as ETT Teachers. Since, B.Ed qualified candidates challenged the advertisement dated 30.07.2021 and the Rules dated 27.07.2021 whereby they were excluded from being appointed. While issuing notice of motion further selection process was stayed vide order dated 29.10.2021. On an application moved by the eligible candidates as per the advertisement dated 30.07.2021, for vacation of interim order dated 29.10.2021, this Court while



admitting the writ petitions vide order dated 16.05.2022 vacated the order dated 29.10.2021 and directed that all appointments made in pursuance of the advertisement dated 30.07.2021 against 6635 posts of ETT Teachers shall be subject to the final outcome of the litigation.

7. **SUBJECT MATTER FOR CONSIDERATION IN THE PRESENT WRIT PETITIONS**

There are two sets of writ petitions in the present Bunch of cases.

- (i) One challenging the Punjab State Elementary Education (Teaching Cadre) Group-C Service (First Amendment) Rules, 2021 alongwith consequential Advertisement dated 30.07.2021, since the amendment is in breach of NCTE notification dated 28.06.2018. Further to allow B.Ed candidates to participate in the selection process in view of NCTE notification dated 28.06.2018.
- (ii) Second for quashing the impugned notification dated 28.06.2018 issued by the National Council of Teachers Education (NCTE). Further, for not allowing the B.Ed candidates to participate in the selection process in view of the advertisement dated 30.07.2021.

8. **ANALYSIS**

- i) The National Council of Teachers Education (NCTE) notification dated 28.06.2018 was challenged before Rajasthan High Court and Rajasthan High Court quashed the same vide its judgment dated 25.11.2021, in CWP-1853-2021 titled as Rajender Singh Chotiya and Others Vs. the National Council for Teachers Education and Others.



ii) The matter went upto the Hon'ble Supreme Court. The Hon'ble Supreme Court vide its judgment dated 11.08.2023 in **Devesh Sharma Versus Union of India And Ors** [2023 AIR (Supreme Court) 3895] along with other appeals, dismissed the appeals and upheld the judgment dated 25.11.2021 of Rajasthan High Court. Meaning thereby, Hon'ble Supreme Court upheld the quashing of notification dated 28.06.2018.

iii) The relevant portion of **Devesh Sharma's** judgment (supra) is reproduced as under :-

*“ 2. A Division Bench judgment of Rajasthan High Court, dated 25.11.2021, is under challenge before this Court. Apart from the appeals, there are three Writ Petitions as well before this Court, on the same issue. All the same, while dealing with these cases, for facts, we would be referring to **Civil Appeal @ SLP (C) No.20743 of 2021 Devesh Sharma v. Union of India**, which arises out of the order dated 25.11.2021 passed by the High Court in D.B. Civil Writ Petition No. 2109 of 2021.*

3. What lies at the core of the dispute before this Court is the notification dated 28.06.2018, issued by the National Council for Teacher Education (hereafter 'NCTE'), made in exercise of its powers under Section 23(1) of the Right to Education Act, 2009 (hereinafter referred to as the 'Act'). This notification made B.Ed. degree holders eligible for appointment to the post of primary school teachers (classes I to V). All the same, inspite of the above notification, when the Board of Secondary Education, State of Rajasthan, issued an advertisement on 11.01.2021, for Rajasthan Teacher Eligibility Test



(RTET Level-1), it excluded B.Ed. degree holders from the list of eligible candidates. This action of the Rajasthan Government was challenged before the High Court. The petitioner Shri Devesh Sharma has a B.Ed. degree, and as per the Notification dated 28.06.2018, he was eligible, like many other similar candidates. Consequently, he filed his petition before the Rajasthan High Court, inter alia, praying that the advertisement dated 11.01.2021 be quashed, as it was in violation of the notification dated 28.06.2018 issued by the NCTE.

4. Apart from the above batch of petitioners, there was another set of petitioners, with their own grievance. These are the candidates who are diploma holders in Elementary Education (D.El.Ed.) [1], which was the only teaching qualification required for teachers at primary level, and who are aggrieved by the inclusion of B.Ed. qualified candidates. They too filed Writ Petitions before the Rajasthan High Court challenging the legality of the notification dated 28.06.2018. The State of Rajasthan understandably supported these second batch of candidates before the High Court, as they would do before this Court.*

[1 It is possible that this diploma is called by different names in different States. It is for this reason that at some place it may just be referred as a diploma in elementary education.]*

5. Out of the three writ petitions before us two (W.P. No. 137 of 2022 and 881 of 2022) are challenging the notification dated 28.06.2018 and the subsequent notifications issued by the Government of Bihar and U.P. respectively calling for applications from eligible candidates



including B.Ed. W.P. No. 355 of 2022 again challenges the notification dated 28.06.2018. SLP (C) No. 22923 of 2022 is against an interim order of the Calcutta High Court which denied relief to the petitioners who were seeking a stay of the notification dated 28.06.2018.

6. Hence the question of law to be answered in these cases is whether NCTE was right in including B.Ed. qualification as an equivalent and essential qualification for appointment to the post of primary school teacher (Level-1)? The Rajasthan High Court in the impugned judgment has quashed the notification dated 28.06.2018, holding B.Ed. candidates to be unqualified for the posts of primary school teachers (Level-1).

* * * * *

36. The introduction of B.Ed. as a qualification by NCTE on the directions of the Central Government is a policy decision of the Government, as has been submitted before this Court, and is also evident from the sequence of events, the minutes of the various meeting and the order passed in this regard. Section 29 of NCTE Act which mandates that NCTE must follow the directions of the Central Government in discharging of its functions. It is a policy decision which binds NCTE.

We have absolutely no doubt in our mind that policy decisions of the Government should normally not be interfered with, by a constitutional Court in exercise of its powers of judicial review. At the



same time if the policy decision itself is contrary to the law and is arbitrary and irrational, powers of judicial review must be exercised.

A policy decision which is totally arbitrary; contrary to the law, or a decision which has been taken without proper application of mind, or in total disregard of relevant factors is liable to be interfered with, as that also is the mandate of law and the Constitution. This aspect has been reiterated by this Court time and again.

*Judicial review becomes necessary where there is an illegality, irrationality or procedural impropriety. These principles were highlighted by Lord Diplock in **Council of Civil Service Unions v. Minister for the Civil Service (1984) 3 All ER 935 : 1985 AC 374 : (1984) 3 WLR 1174 (HL)** (commonly known as CCSU case). The above decision has been referred by this Court in **State of NCT of Delhi v. Sanjeev (2005) 5 SCC 181**. This view was reiterated again by this Court in **State of M.P. & Ors. v. Mala Banerjee (2015) 7 SCC 698:-***

*"6. We also find ourselves unable to agree with the appellants' submission that this is a policy matter and, therefore, should not be interfered with by the courts. In **Federation of Railway Officers Assn. v. Union of India [(2003) 4 SCC 289]** , this Court has already considered the scope of judicial review and has enumerated that where a policy is contrary to law or is in violation of the provisions of the Constitution or is arbitrary or irrational, the courts must perform their constitutional duties by striking it down..."*



In Brij Mohan Lal v. Union of India (2012) 6 SCC 502 this Court reiterated on this aspect and made out a distinction as to where an interference to a decision is required, and whereas it is not :-

"100. Certain tests, whether this Court should or not interfere in the policy decisions of the State, as stated in other judgments, can be summed up as:

(I) If the policy fails to satisfy the test of reasonableness, it would be unconstitutional.

(II) The change in policy must be made fairly and should not give the impression that it was so done arbitrarily on any ulterior intention.

(III) The policy can be faulted on grounds of mala fides, unreasonableness, arbitrariness or unfairness, etc.

(IV) If the policy is found to be against any statute or the Constitution or runs counter to the philosophy behind these provisions.

(V) It is de hors the provisions of the Act or legislations.

(VI) If the delegate has acted beyond its power of delegation.

101. Cases of this nature can be classified into two main classes: one class being the matters relating to general policy decisions of the State and the second relating to fiscal policies of the State. In the former class of cases, the courts have expanded the scope of judicial review when the actions are arbitrary, mala fide or contrary to the law of the land; while in the latter class of cases, the scope of such judicial review is far narrower. Nevertheless, unreasonableness, arbitrariness, unfair actions or policies contrary to the letter, intent and philosophy of law and policies expanding beyond the permissible



limits of delegated power will be instances where the courts will step in to interfere with government policy."

The decision whether to include or exclude B.Ed. as a qualification for teachers in primary school is an academic decision, which has to be taken after proper study by the academic body i.e. NCTE and should be better left to this expert body.

But as we have seen the decision to include B.Ed. as a qualification is not an independent decision of NCTE, but it was the decision of the Central Government and NCTE was simply directed to carry it out for that being a direction under Section 29 of NCTE Act, a direction NCTE followed.

In the present case and in the larger context of the matter, we cannot even see this as a policy decision. But without getting into this argument, even presuming for the sake of argument that the decision taken at the Government level to include B.Ed. as a qualification for teachers at primary level is a policy decision, we must say that this decision is not correct as it is contrary to the purpose of the Act. In fact, it goes against the letter and spirit of the Fundamental Right enshrined in the Constitution under Article 21A. It is against the specific mandate of the Act, which calls for a free, compulsory and meaningful primary education to children. By including B.Ed. as a qualification for teachers for primary school, the Central Government has acted against the provisions of the Constitution and the laws. The only logic given by the Central Government to include B.Ed. as a qualification is that it is a 'higher qualification'. This we have already



seen is not correct. Under these circumstances, we have no hesitation to say that the notification has rightly been quashed and the decision of the Division Bench of the Rajasthan High Court has to be upheld.

In our considered opinion therefore the direction of the Central Government dated 30.05.2018 culminating in the notification dated 28.06.2018 of NCTE are violative of the principles as laid down in RTE Act. Not only this, the notification goes against the purpose and the mandate of law, which is to provide a meaningful and 'quality' primary education to children.

The entire exercise is also procedurally flawed. The notification dated 28.06.2018 is not an independent decision of NCTE taken after due deliberation, but it simply follows the direction of the Central Government, a direction which fails to take into consideration the objective realities of the day.

Having made the above determination we, all the same, are also of the considered opinion that the State of Rajasthan was clearly in error in not calling for applications from B.Ed. qualified candidates, for the reasons that till that time when such an advertisement was issued by the Rajasthan Government, B.Ed. candidates were included as eligible candidates as per the statutory notification of NCTE, which was binding on the Rajasthan Government, till it was declared illegal or unconstitutional by the Court. The Rajasthan High Court had rightly observed as under :-

"..we are of the opinion that the State Government could not have ignored the notification while inviting applications for REET. Even if



the State Government was of the opinion that such notification was unconstitutional or for any reason illegal, the same had to be stayed or set aside by a competent court before it could be ignored."

[Para 45 of the Impugned Judgement]

*What the Rajasthan High Court had stated above is the settled legal position. In a recent three Judge judgment of this Court in **State of Manipur & Ors. v. Surjakumar Okram & Ors. 2022 SCC Online SC 130** this position that a statute which is made by a competent legislature is valid till it is declared unconstitutional by a court of law; has been reiterated.*

37. Consequently, the Appeals are dismissed and the judgement dated 25.11.2021 of the Rajasthan High Court is upheld. The notification dated 28.06.2018 is hereby quashed and set aside."

iv) Clarification application in **Devesh Sharma's case (supra)** was filed vide Diary No.4383/2024 before the Hon'ble Supreme Court. The Hon'ble Supreme Court vide its decision dated 08.04.2024 in the same observed as under:-

"On 11th August, 2023, this Court dismissed a set of appeals against a judgment of the Rajasthan High Court dated 25th November, 2021. The dispute involved in these proceedings pertained to eligibility of B.Ed. Candidates to be appointed as teaching staff in cases where they did not have D.El.Ed, which is a diploma course. The Rajasthan High Court had held that at the primary level, the eligibility criteria would be D.El.Ed. qualification which is a diploma course and not B.Ed. The High Court had quashed a notification of the Central



Government dated 28.06.2018 by which B.Ed. was included as a qualification for teachers at Primary level i.e. for class I to class V, and in a judgment delivered by this Court on 11.08.2023, appeals filed against the said judgment were dismissed.

Now, an application has been taken out by the State of Madhya Pradesh, labelling it as an application for clarification and the applicant seeks for us to hold that the said judgment ought to have prospective application only. Though framed as an application for clarification, it is in the nature of a review petition only. Though the applicant here is the State of Madhya Pradesh, the said dispute is the subject-matter of a large number of litigations in various states and we are apprised that in some High Courts, the matters are pending.

Before us, two sets of parties are there, one set wants retention of the said judgment in its present form. The opposing side alleges that it would result in loss of employment to those who were already appointed as teachers in different States on the strength of their B.Ed degree. It is submitted that they had entered their employment following a legitimate course as per the notification issued by the respective appointing authorities which did not stipulate D.El.Ed. to be the only requisite qualification.

Now, having considered these factors and particularly the contention of the B.Ed. applicants that they had entered their employment as per the qualification criteria specified by the appointing authority, equity should go in favour of retention of their employment.



Two points have been urged taking objection to the plea of the present applicant i.e., the State of Madhya Pradesh. The first one is that this application has been framed as one for clarification and actually, an independent relief is asked for in this application. We have referred to this aspect of the controversy earlier in this judgment. In our opinion, this kind of applications seeking clarification ought not to be entertained and if a final order is passed, the only recourse for seeking alteration of the order is a petition for review on legally permissible ground. Considering the pleadings in this application seeking clarification, we treat this application as a petition for review. We are addressing this issue also in exercise of our jurisdiction that inheres in a Court of record, having regard to Article 129 of the Constitution of India. A technical plea was raised on behalf of the parties who opposed prospective application of this judgment on the ground that procedure for review as specified in the Supreme Court Rules was not followed and that no opportunity to file affidavits was being given. But having regard to the scope of the present application, we did not consider it necessary to invite further pleadings. Otherwise also, conversion of an application labelled as one for clarification into a review petition at the time of hearing would not be a fatal procedural flaw. In the given facts, we find that the question as to whether the judgment would be prospective or not was not stated by us in the judgment delivered on 11th August, 2023. Ordinarily a judgment acts retrospectively unless it is specifically stated to be otherwise. Moreover, this matter has been heard on



several occasions and the points urged by the respective parties have been taken note of by us.

As it appears that a large number of candidates with B.Ed. degree had already been appointed on the basis of eligibility criteria specified by the educational authorities, we do not think it to be equitable to effect their removal. We, accordingly hold that the judgment delivered by this Bench on 11th August, 2023 shall have prospective operation. But prospective operation of this judgment shall be only for those candidates who were appointed without any qualification or conditions imposed by any Court of Law to the effect that their appointment would be subject to final outcome of the case which might have had been instituted by them and such candidates were in regular employment without any disqualification and were appointed in pursuance of a notice of advertisement where B.Ed. was stipulated to be valid qualification. Services of only such candidates shall not be disturbed because of this judgment. We make it clear that this benefit is only for the candidates who were appointed prior to the date our judgment was delivered, on 11th August, 2023.

Mere selection of such candidates or their participation in the process will not entitle them for a benefit under our present order.

Moreover, the candidates having B.Ed. qualification whose appointments we are protecting in this judgment, will have to undergo a Bridge Course and we direct the educational authorities to device such course, which would be applicable for each state and union territory, within a period of one year from today. This course shall be



only for those appointees who have been engaged with B.Ed. degree only in the subject-posts under conditions stipulated in the earlier part of this order. National Council for Teacher Education shall design such course under overall supervision of the Ministry of Education, Union of India. Upon formulation of such course, the same shall be publicly notified and a timeframe shall also be given within which the respective candidates shall participate therein. Failure of any candidate to participate and complete the course within the timeframe to be given by the concerned educational authorities will invalidate the appointment of such candidate.

We also make it clear that the directions contained in this order shall not be confined to the applicant state only and shall cover all cases which may be pending in different judicial fora in any State or Union territory on the same point of law.

The present application stands disposed of in the above terms.

Pending application(s), if any, shall also stand disposed of.”

9. SUMMARY OF DEVESH SHARMA’S CASE

On August 11, 2023, the Hon’ble Supreme Court dismissed appeals against the Rajasthan High Court's decision dated November 25, 2021, whereby, it was held that the eligibility criteria for primary school teachers would be D.El.Ed. diploma qualification and not a B.Ed. degree. The High Court had quashed notification of Central Government dated 28.06.2018 by which B.Ed. qualification was included for teachers at primary level.



The State of Madhya Pradesh sought clarification that the ruling should apply prospectively. The Supreme Court clarified that the prospective operation of this judgment shall be only for those candidates who were appointed without any qualification or conditions imposed by any Court of law to the effect that their appointment would be subject to final outcome of the case which might have had been instituted by them and such candidates were in regular employment without any disqualification and were appointed in pursuance of a notice of advertisement where B.Ed was stipulated to be a valid qualification. Hon'ble Supreme Court further held that the services of only such candidates shall not be disturbed because of this judgment. The Hon'ble Supreme Court further made it clear that this benefit is only for the candidates who were appointed prior to 11.08.2023 i.e. the date when the judgment was delivered. It was further clarified that mere selection of such candidates or their participation in the process will not entitle them for a benefit under the present order.

It was further clarified by Hon'ble Supreme Court that the candidates having B.Ed qualification whose appointments are protected by this judgment, will have to undergo a Bridge Course and a direction is issued to educational authorities to device this course which would be applicable for each State and Union Territory within a period of one year from 08.04.2024. Further that this course shall be only for those appointees who have been engaged with B.Ed. degree only in the subject-posts under conditions stipulated in the earlier part of this order. National Council for Teacher Education is directed to design such course under overall supervision of the Ministry of Education, Union of India. Further direction is given to the NCTE that upon formulation of such course, the same shall be publicly notified and a timeframe shall also be given within which



the respective candidates shall participate therein. Failure of any candidate to participate and complete the course within the timeframe to be given by the concerned educational authorities will invalidate the appointment of such candidate. The Hon'ble Supreme Court further clarified that the directions contained in order dated 08.04.2024 shall not be confined to the applicant State only and shall cover all cases which may be pending in different judicial fora in any State or Union Territory on the same point of law.

10. CONCLUSION

In view of the above, since notification dated 28.06.2018 is quashed by Hon'ble Supreme Court, therefore, this Court concludes as under :-

- (i) Since notification dated 28.06.2018 is quashed by Hon'ble Supreme Court in Devesh Sharma's case (supra) after observing the same to be violative of principles as laid down in Right to Education Act, 2009, therefore, the challenge to the same in the present writ petitions is decided in the same terms.
- (ii) In view of the observation of Hon'ble Supreme Court in Devesh Sharma's case (supra) Punjab State Elementary Education (Teaching Cadre) Group 'C' Service (First Amendment) Rules, 2021 dated 27.07.2021 and advertisement dated 30.07.2021 are upheld.
- (iii) The State of Punjab is directed to complete the recruitment process in consonance with advertisement dated 30.07.2021.
- (iv) The State of Punjab is further directed to declare the result by taking into consideration eligible candidates as per advertisement dated 30.07.2021 forthwith.



(v) The State of Punjab is further directed to implement the directions of Hon’ble Supreme Court issued in Devesh Sharma’s case (supra) in letter and spirit.

10. The writ petitions are accordingly disposed of. Pending application, if any, also stand disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

July 31, 2024
tripti

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No