

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.4641 of 2011

Date of Decision : 19.1.2015

Sukhwinder Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Madhav Pokhrel, Advocate
for the petitioner.

Ms. Monica Chhibber Sharma, DAG, Punjab.

.....

MAHESH GROVER.J.

The petitioner's grievance is that he was not considered for the post of JBT Teacher for which he aspired pursuant to an advertisement Annexure P-5 which warranted the following eligibility criteria :-

“*1. ACADEMIC QUALIFICATION

- | | |
|---|----|
| a) 10+2, 40% of the marks obtained in the basic qualification | 40 |
| b) JBT/ETT two years' course of Punjab State or from any other State or Union Territory | 40 |

declared equivalent and recognized by NCTE/
Punjab Government, 40% of the marks obtained
in the professional qualification

Total : 80

2. HIGHER QUALIFICATION ONLY ACADEMIC

1. Graduation Max.03 Marks

(a) Ist Division	03 Marks
(b) 2 nd Division	02 Marks
(c) 3 rd Division	01 Mark

3. POST GRAUDATION

M.A./M.Sc./M.Com./M.Ed. Max.05 Marks

Ist Division	05 Marks
2 nd Division	04 Marks
3 rd Division	03 Marks

**** 4. EXPERIENCE**

- a) One mark for each completed year. No credit will be given to less than 6 months experience. Only that experience will be counted which is from a Government School, Government Aided School, Government Recognized School and the Schools affiliated with Punjab School Education Board or C.B.S.E./I.C.S.E. Junior Basic Trained Teachers/Elementary Teacher Trained Teacher's and I.C.S.C.

NOTE : Experience will be counted for the period after passing the JBT/ETT and from the date of affiliation of the institution, whichever is later.

****5. RURAL AREA** **Max.05 Marks**

(Rural area is defined as on the date in which Gram Panchayat existed i.e. at the time of passing 8th and 10th classes)

NOTE : Consolidated five marks will be given to the candidates who had passed both Middle and Matriculation Examination from the rural schools. For the rural area they have to submit a certificate of that school falling in rural area at the time of passing the class from the competent authority (Head of the Institution last attended). No credit will be given to the candidates who had passed only Middle or only Matriculation from the rural area. Credit of marks will be given only to the candidates who have passed both Middle and Matriculation from the rural area irrespective of the school falling in any rural area.

NOTE : If the required number of candidates possessing JBT/ETT or its equivalent qualification are not available, in that eventuality, the Graduates/Post-Graduates along with B.Ed. Pass candidates will be considered as per criteria given below :

- (a) B.A./B.Sc.(Graduation) 35% of the marks obtained in Basic Qualification 35 marks
- (b) B.Ed. 35% of the marks obtained in the professional qualification 35 marks

Total: 70 marks”

The petitioner contends that he being a bachelor in Physical Education would be entitled to be considered for the said post in terms of the aforesaid note which permits a deviation from the prescribed norm of academic qualification. Further contends that since B.Ed. Candidates are eligible to be considered for the post of Master, there should be no bar in such a consideration being awarded to the petitioner for the post in question as well.

The respondents contend that the provisions of the

note would come into play only if candidates with requisite qualifications were not available. Since they were available, there was no question of considering any other candidate with a qualification of B.A., B.Sc. or B.Ed. Besides it is contended that the petitioner cannot press for such a claim in the absence of any specific provision in the advertisement itself.

On due consideration of the matter, I find that the instant writ petition is totally misconceived. It is for the employer to prescribe academic qualifications which are commensurate with the job and its requirement. Simply because a person possesses different qualification which may be perceptibly higher than the one prescribed would not give any cause to any person to press for a right of consideration leave alone a preferential right. This being the settled position in law, I am of the considered view that no interference is warranted.

Petition dismissed.

19.1.2015
dss

(MAHESH GROVER)
JUDGE