

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

C.W.P. No. 18409 of 2015

Date of Decision: September 02, 2015

Suresh Kumar and others

...Petitioners

Versus

The State of Haryana and others

....Respondents

**CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL
HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN**

Present: Mr. Jagbir Malik, Advocate,
for the petitioners.

..

SATISH KUMAR MITTAL, J.

The petitioners are working as Sanskrit Teachers, S.S. Master and Art & Craft Teachers in the Department of Education, Haryana. It is the case of the petitioners that they are fulfilling the educational qualification for appointment as Post Graduate Teachers (for short 'the PGT') . The services of PGT History, PGT Political Science, PGT English and PGT Hindi etc. are governed by the statutory notified rules, namely, The Haryana State Education School Cadre (Group B) Service Rules, 2012 (hereinafter referred to as 'Rules of 2012'). The educational qualifications for the posts of PGT History, PGT Political Science, PGT English and PGT Hindi for direct recruitment and for promotion have been prescribed in Appendix 'B' attached to the Rules of 2012. Rule 9 of the Rules of 2012 deals with recruitment in service for the above-mentioned posts of Post Graduate

Teachers. As per this Rule, for recruitment in service in the case of Post Graduate Teachers in the respective subjects, 33% posts are to be filled up by promotion from the cadre of Trained Graduate Teachers and the remaining 67% posts by the direct recruitment. As per Rule 7, no person shall be appointed/promoted to any post in the Service, unless he/she is in possession of qualification and experience specified in column 3 of Appendix 'B' to these rules. As per Appendix 'B', in addition to the prescribed educational qualification, a Trained Graduate Teacher is required two years experience of teaching in the same subject for promotion to the posts of PGT History, PGT Political Science, PGT English and PGT Hindi etc. In the present petition, the petitioners are seeking quashing of the impugned qualification given in Appendix 'B' attached to the Rules of 2012 qua prescribing two years experience in the same subject for promotion to the respective posts of Post Graduate Teachers. Since the petitioners are working as Sanskrit Teachers, S.S. Master and Art & Craft Teachers with the respondent-department, they did not possess any experience of teaching on the respective subjects for promotion to the posts of Post Graduate Teachers in the particular subject, though they might be having experience of teaching of different subjects.

Learned counsel for the petitioners argued that the impugned qualification of two years experience of teaching in the same subject given in Appendix 'B' to the Rules of 2012 is arbitrary and violative of Article 14 and 16 of the Constitution of India. We do not agree with this contention of the learned counsel at all. For promotion to the post of PGT Hindi, two years experience of teaching as TGT Hindi/Hindi Teacher as prescribed

under the Rules of 2012 is necessary. Similar experience in the particular subject is required for promotion to the posts of Post Graduate Teachers in other subjects also. A candidate might be possessing educational qualification of MA English, but if he has no experience of teaching in English subject, in that eventuality, he cannot be deemed to be qualified for promotion to the post of PGT English as per the qualification prescribed in Appendix B to the Rules of 2012. In our view, prescribing two years experience of teaching in a particular subject for promotion to the post of Post Graduate Teacher in that subject cannot be said to be arbitrary and violative of Article 14 and 16 of the Constitution of India. The said teaching experience is necessary for the Post Graduate Teachers who are going to teach the students in the particular subject.

In view of the aforesaid, we do not find any merit in the petition and the same is hereby dismissed.

(SATISH KUMAR MITTAL)
JUDGE

September 02, 2015
vkg

(MAHAVIR S. CHAUHAN)
JUDGE