

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

CWP No. 18832 of 2015

DATE OF DECISION : 08.09.2015

Vishwajit Singh and others

.... PETITIONERS

Versus

State of Haryana and others

.... RESPONDENTS

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

Present : Mr. Chirag Kundu, Advocate, for the petitioners.

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SATISH KUMAR MITTAL, J. (Oral)

The petitioners, claiming to be possessing Degrees of Masters in Fine Arts from various Universities (though have neither mentioned the names of the Universities from which they have obtained their said Degrees nor annexed with the petition their respective Degrees/Certificates), have filed this petition for quashing Appendix B of the Haryana State Education School Cadre (Group B) Service Rules, 2012 (hereinafter referred to as 'the Rules of 2012'), which provides academic qualification for appointment to the various posts, including the post of PGT Fine Arts. For appointment to the post of PGT Fine Arts, the following qualification has been provided :-

*“(i) M.A. Fine Arts with at least 50% marks and B.Ed from
recognised university;*

*(ii) Matric with Hindi/Sanskrit or 10+2/B.A./M.A. with Hindi
as one of the subject;*

- (iii) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET);*
(iv) Consistent good academic record.”

Undisputedly, all the petitioners do not possess the qualification of B.Ed and they are not eligible for appointment to the post of PGT Fine Arts.

Learned counsel for the petitioners argued that as far as the post of PGT Computer Science is concerned, there is no requirement of passing B.Ed qualification. For appointment to the said post, instead of qualification mentioned at (i) above for the post of PGT Fine Arts, only M.Sc. Computer Science (Regular two years course)/MCA (Regular three year course)/BE/B.Tech. Computer Science/ Computer Engg./IT (Regular course) with 55% aggregate marks from a recognised university is required. On these facts, the learned counsel argued that providing the qualification of B.Ed for appointment to the post of PGT Fine Arts is illegal and arbitrary.

The aforesaid contention cannot be accepted. In almost all the disciplines, i.e. PGT English, PGT Hindi, PGT History, PGT Political Science, PGT Economics, PGT Geography, PGT Sanskrit, PGT Home Science, etc., the qualification of B.Ed has been provided. Therefore, it cannot be said that there is discrimination with regard to appointment to the post of PGT Fine Arts. In our opinion, it is for the employer to decide as to what kind of qualification is required for a particular post. The petitioners cannot compel the employer to adopt a particular qualification for a particular post. Thus, we do not find any ground to quash Appendix B of the

Rules of 2012 qua qualification prescribed for the post of PGT Fine Arts on the aforesaid ground.

Learned counsel for the petitioners further argued that all the petitioners have obtained their Degrees of Masters in Fine Arts, but they have not been considered eligible for appointment to the post of PGT Fine Arts, as they do not possess the Degree of M.A in Fine Arts. In this regard, we are of the opinion that since none of the petitioners is possessing the Degree of B.Ed., therefore, as per Appendix B of the Rules of 2012, they are not eligible for appointment to the post of PGT Fine Arts, even though they are possessing the Degree of Masters in Fine Arts. If any candidate possessing the Degree of Masters in Fine Arts as well as the Degree of B.Ed., is not considered eligible for appointment to the post of PGT Fine Arts merely on the ground that he is not possessing the Degree of M.A in Fine Arts, then this court will consider the issue as to whether the Degree of Masters in Fine Arts is equivalent to the Degree of M.A in Fine Arts.

In view of the above, there is no merit in the instant petition and the same is, accordingly, dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

September 08, 2015
ndj

**(MAHAVIR S. CHAUHAN)
JUDGE**