

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

CWP No. 19961 of 2015

DATE OF DECISION : 19.09.2015

Pooja

.... PETITIONER

Versus

State of Haryana and others

.... RESPONDENTS

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

Present : Mr. Rajiv Sidhu, Advocate,
for the petitioner.

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SATISH KUMAR MITTAL, J.

The petitioner possesses the qualification of Matriculation, Secondary Education, B.Com., M.A. in English, B.Ed., and Haryana Teacher Eligibility Test (HTET). She is aspirant to be appointed as Trained Graduate Teacher (TGT) English, in pursuance of advertisement No. 9/2015 dated 23.07.2015 (Annexure P-2), issued by the Haryana Staff Selection Commission for recruitment of 1035 TGT English. According to the advertisement, a candidate possessing the following academic qualification is eligible to be appointed on the post of TGT English :-

- “i. *B.A. with at least 50% marks in English as an elective subject and 2 year Diploma in Elementary Education;*
OR
B.A. with at least 50% marks as well as in English as an elective subject and 1 year Bachelor in Education (B.Ed.);

OR

B.A. with at least 45% marks as well as 50% marks in English as an elective subject and 1 year Bachelor in Education (B.Ed.), in accordance with NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard;

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4 year Bachelor in Elementary Education (B. El. Ed);

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4 year B.A. Ed.;

OR

B.A. with at least 50% marks as well as in English as an elective subject and 1 year B.Ed. (Special Education);

- ii. *In case of B.Ed. English as a teaching subject from a recognized university."*

Since the petitioner does not possess the degree of B.A. and 4 year Bachelor in Elementary Education (B. El. Ed.), therefore, she is not eligible for appointment to the post of TGT English.

Learned counsel for the petitioner submits that though the petitioner has passed B.Com., but she is possessing the Degree of M.A. in English, therefore, she should be deemed to have been qualified for the post of TGT English. Learned counsel further submits that if the said submission is not accepted, even then in view of the Haryana School Education (Group-C) State Cadre Service Rules, 2012, the aforesaid qualification with regard to requirement of B.A. Degree for appointment to the post of TGT English, and not giving equal opportunity to those candidates, who are possessing B.Com. Degree, is arbitrary and violative of Articles 14 and 16 of the

Constitution of India.

We are of the opinion that it is for the employer to prescribe the qualifications for appointment on a particular post. In the present case, for the post of TGT English, B.A. with at least 50% marks in English as an elective subject and 2 year Diploma in Elementary Education; or B.A. with at least 50% marks as well as in English as an elective subject and 1 year Bachelor in Education (B.Ed.); or B.A. with at least 45% marks as well as 50% marks in English as an elective subject and 1 year Bachelor in Education (B.Ed.), in accordance with NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard, is essential qualification. There is difference between B.A. and B.Com. Both the Degrees are entirely different. Different subjects are taught in the courses of B.A. and B.Com. Even otherwise, Trained Graduate Teachers teach in the elementary schools, where only basic English language and other languages are taught. Commerce is not the subject of teaching in elementary education. Therefore, the Degrees of B.A. and B.Com. cannot be treated as equivalent. Merely because the petitioner has passed B.Com. and possesses the Degree of M.A. in English, her qualification cannot be treated as equivalent to the Degree of B.A. In these facts, the qualification prescribed for appointment to the post of TGT English cannot be said to be arbitrary and violative of Articles 14 and 16 of the Constitution of India, on the ground that the Degree of B.Com. has not been included in the essential academic

qualification for appointment to the post of TGT English.

No merit. Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

September 19, 2015
ndj

**(MAHAVIR S. CHAUHAN)
JUDGE**