

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no. 4476 of 2012 (O&M)

Date of Decision : 04.02.2015

Kamaljit Kaur

....Petitioners

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. Surmukh Singh, Advocate for the petitioner

Mr.Ashish Sharma, Addl. AG, Punjab

MAHESH GROVER, J.

The petitioner appeared in the selection process initiated for teaching fellows, pursuant to the advertisement Annexure P-5. The educational qualifications prescribed are extracted hereunder:-

Basic qualification and professional qualification

(i)10+2 from any state recognized Education Board/
Recognized University

(ii)Elementary Teacher Training two year's course of Punjab
State or from any other State or Union Territory declared
equivalent and recognized by NCTE/Punjab Govt.

A note in the advertisement warranted consideration of Graduates/Post Graduates alongwith B.Ed passed candidates in the eventuality of JBT/ETT candidates not being available in sufficient numbers. The petitioner has been ousted from the selection on the solitary

ground, as disclosed in the reply that she did not have a degree of B.Ed on the prescribed date i.e. 30.9.2007. This stand of the respondents is falsified from Annexure P-3, a detailed marks-sheet issued to the petitioner indicating her successful completion of B.Ed course on 18.8.2007. Evidently, the petitioner was entitled for consideration having passed the B.Ed examination a month prior to the prescribed date in the advertisement i.e 30.9.2007. Exclusion of the petitioner from the process, even though granting her consideration, only on this ground can be termed to be arbitrary as conferment of the degree is merely an acknowledgement of successful completion of a particular course. Merely because a degree has been conferred subsequent to the prescribed date in the advertisement i.e. 30.9.2007 would not make any difference to the case of the petitioner on account of a successful completion of the B.Ed course. The respondents were thus in the wrong in denying the petitioner appointment to the post.

Consequently the instant petition is accepted and the respondents are directed to reconsider the case of the petitioner for appointment which she shall be entitled to, if she otherwise comes in merit and fulfills all the requisite parameters. The necessary consequences of this order be given effect to as expeditiously as possible, preferably within a period of four months from the date of receipt of the certified copy of this order.

February 04, 2015
rekha

(MAHESH GROVER)
JUDGE