

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 6673 of 2014

DATE OF DECISION: 25.05.2015

Jyoti Srivastava

.....Petitioner

Versus

Union of India and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. Kasturi Lal, Advocate
for the petitioner.

Mr. P.S. Dhaliwal, Advocate
for the respondents.

DAYA CHAUDHARY, J.

The prayer in the present petition is for issuance of a writ in the nature of certiorari quashing impugned order dated 3.6.2013 (Annexure P-27), whereby, the appointment of the petitioner on the post of TGT-SST under Sarav Shiksha Abhiyan Society, U.T., Chandigarh has been cancelled as well as order dated 28.6.2013 (Annexure P-28), whereby, the candidature of the petitioner has been considered to be ineligible. A further

prayer has also been made for issuing directions to the respondents to appoint the petitioner as TGT-SST under Sarav Shiksha Abhiyan Society, U.T., Chandigarh as well as to consider her eligible and to grant all consequential benefits including arrears of pay and other allowances.

Briefly, the facts of the case are that an advertisement was issued for inviting applications for 226 posts of TGT Masters/Mistresses. The petitioner being eligible, as per the terms and conditions of the advertisement, applied for the said post and submitted her application in the prescribed form. A notice dated 25.4.2012 was issued for checking of the original documents for each category. The petitioner appeared before the Selection Committee on the date prescribed in the notice and her documents were verified. Thereafter an intimation was sent through SMS as well as telephonically that she was selected as TGT-SST under Sarav Shiksha Abhiyan Society, U.T., Chandigarh. In pursuance to the said intimation, the petitioner appeared before the respondents to join her duty but she was asked to produce the certificate of equivalency. On this, the father of the petitioner moved an application to Registrar, Panjab University, Chandigarh for issuance of equivalent certificate. In response thereto, it was communicated that B.A. examination passed by the petitioner from KSKV Kachhh University, Bhuj is equivalent to BA examination of Panjab University.

Learned counsel for the petitioner contends that without taking into consideration the certificate issued by the Panjab University and without giving any reason, the appointment of the petitioner to the post of TGT-SST has been cancelled. Learned counsel further contends that the petitioner was found eligible for the said post and was placed at Sr. No. 31 in the Merit List. The petitioner was conveyed about her selection through SMS as well as telephonically and was asked to join her duty immediately.

Learned counsel also contends that all relevant documents were submitted to the respondents and there was no concealment or misrepresentation on the part of the petitioner but still appointment has been cancelled. Learned counsel has also relied upon the Division Bench judgment of this Court in **Saroj Anand and another Vs. State of Punjab and others** 1994 (4) RSJ 588 as well as judgment of this Court in the case of **Sonia Vs. Guru Jambheshwar University of Science and Technology, Hisar and another** C.W.P. No. 14251 of 2014 decided on 13.8.2014, in support of his contentions.

Learned counsel for the respondents submits that judgments relied upon by learned counsel for the petitioner are not applicable in the present case as the issue involved in aforesaid judgments relates with regard to admission, whereas, the controversy in the present case is of selection/appointment. Learned counsel further submits that it was specifically mentioned in the advertisement that the combination of subjects should be as per requirement of the advertisement. There was no proper combination of the subjects in the case of the petitioner and as she was not fulfilling the requisite qualification for the aforesaid post, therefore, the order for cancellation of her appointment has been passed.

Heard the arguments advanced by learned counsel for the parties and have also gone through the impugned orders as well as other documents available on the file.

The requirement/qualification with regard to advertisement are not disputed. The essential qualifications for the post of TGT-SST are reproduced as under:-

**ESSENTIAL QUALIFICATIONS FOR THE POST OF TGT-(A
OR B OR C OR D) AND (E)**

A. (i) Graduate from a recognized University with relevant

subjects/Elective subjects with at least 50% marks in aggregate;

(ii) Bachelor of Education Degree with relevant teaching subject or its equivalent recognized by NCTE with at least 50% marks in aggregate.

OR

B. (i) Graduate from a recognized University with relevant subjects/ Elective subjects with at least 50% marks in aggregate;

(ii) Diploma in Elementary Education (by whatever name known) with relevant subjects or its equivalent recognized by NCTE with at least 50% marks in aggregate.

OR

C. (i) 4 years Integrated B.Sc. B.Ed/B.A. B.Ed. with relevant subjects or an equivalent course recognized by NCTE with at least 50% marks in aggregate.

OR

D. (i) 4 year Bachelor in Elementary Education (B.El.Ed.) with relevant subjects recognized by NCTE with at least 50% marks in aggregate.

AND

E Pass in Teacher Eligibility Test (TET) conducted by the CBSE, New Delhi in accordance with the Guidelines framed by the NCTE.

RELEVANT SUBJECTS/ELECTIVE SUBJECTS UNDER

ESSENTIAL QUALIFICATIONS

Name of the Post	Relevant subject (s)/ elective subject (s) at Graduation level	Relevant teaching subject at B.Ed./D.Ed.	Relevant subject at integrated B.Sc. B.Ed./B.A. B.Ed./B.El.Ed
TGT (Social Science)	Any two from the following:- History, Geography, Political Science, Economics, Sociology, Psychology, Public Administration	Any one from the following:- Social Studies, Social Science, History, Geography, Political Science, Economics, Sociology, Psychology, Public Administration	Any one from the following:- Social Studies, Social Science, History, Geogrpahy, Political Science, Economics, Sociology, Psychology, Public Administration

As per advertisement, the candidate must have studied two subjects out of Social Studies, Social Science, History, Geography, Political Science, Economics, Sociology, Psychology, Public Administration. The petitioner has studied three subjects i.e. Economics, History and Sociology in BA Part-I and B.A. Part-II but in B.A. Part-III, she has studied only one subject i.e. Economics. The petitioner was asked to produce equivalent certificate but inspite of affording an opportunity, no equivalent certificate was produced except the communication sent by the Panjab University. The equivalent certificate dated 16.5.2013 issued by Panjab University indicates that BA examination of Krantiguru Shyamji Krishna Verma Kachchh University, Bhuj-Kachchh stands recognized as equivalent to B.A. Examination of this University irrespective of the number of subjects offered at B.A. Parts I, II and III provided the candidate has been awarded degree for the said examination but it does not indicate that the candidate has passed BA examination with combination of required

subjects.

The claim of the petitioner has been rejected on the ground that she has not passed B.A. (Graduation) with combination of required subjects as per the condition of the advertisement. In response to legal notice served by the petitioner, the reasons were conveyed to the petitioner stating therein that since she has not passed B.A. examination with required combination of subjects and has not produced equivalent certificate, therefore, her candidature was cancelled. Not only an opportunity was granted to the petitioner to produce equivalent certificate but the reasons thereof were also conveyed to her for cancellation of her candidature.

The judgments relied upon by learned counsel for the petitioner are not applicable as in **Saroj Anand's case (supra)**, nothing was mentioned in the advertisement with regard to combination of subject. In that case the qualification required was B.A. with Hindi as one of the Subjects and B.Ed. with Hindi. The petitioner in that case was having B.A. with Hindi as an optional subject and B.Ed with Hindi as teaching subject. It was held by the Division Bench of this Court that there was nothing in the advertisement which may indicate that the candidate must have studied Hindi in all the three years of degree course so as to become eligible for appointment as Hindi Teacher but in the present case the combination of subject was specifically mentioned and the petitioner could not produce equivalent certificate. Similarly in **Sonia's case (supra)**, the petitioner was Graduate with Science or with Mathematics as one of the subject in one year and she was seeking admission in M.Sc., whereas, the requirement was B.A., B.Sc degree with the requisite percentage of marks with maths as one of the subjects in each year.

In the present case, it was the specific requirement of the

advertisement with details of combination of subjects but the petitioner was not fulfilling the terms and conditions of the advertisement. In spite of affording an opportunity, no equivalent certificate was produced by her. The petitioner has studied three subjects i.e. Economics, History and Sociology in BA Part-I and B.A. Part-II but in B.A. Part-III, she has studied only one subject i.e. Economics. The candidature/appointment of the petitioner was cancelled after giving proper notice and affording sufficient opportunity, which is the requirement of principles of natural justice. It cannot, therefore, be said that the petitioner was not given any proper opportunity and her candidature has been cancelled without giving any sufficient reason.

In view of what has been discussed above, I find no merit in the contentions of learned counsel for the petitioner and the petition being devoid of any merit is hereby dismissed.

May 25, 2015
pooja

(DAYA CHAUDHARY)
JUDGE