

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

Date of decision:04/11/2016

Gurwinder Singh

.....Petitioner

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Gaganeshwar Walia,Advocate for the petitioner.

Mz.Sudeepti Sharma,DAG Punjab

Jaswant Singh,J(Oral)

The petitioner possesses qualification of Graduation in Commerce, Elementary Teacher Training(Two years'Course) Certificate and has also passed the Punjab State Teachers Eligibility Test-II.

Petitioner is an aspirant for recruitment in General Category against 205 posts of ETT Teachers advertised vide advertisement dated 30.7.2016 (P-12) by the Directorate of Education,Punjab.

It is not disputed that after the promulgation of Right of Children to Free and Compulsory Education Act,2009 the statutory authority under the Act i.e. NCTE has laid down the minimum qualification for appointment of teachers in the Elementary Schools. It has been laid that for teaching Classes 1st to 5th, the candidates are required to pass Teachers Eligibility Test-I conducted by appropriate State whereas for teaching Classes 6th to 8th the candidates are required to pass the Teachers Eligibility Test-II conducted by the appropriate State.

The petitioner,who concededly has not cleared PSTET-I, in the

been held ineligible and hence the present petition.

Learned counsel for the petitioner has urged that in the advertisement (P-12) there is nothing to suggest that recruitment of Elementary Teachers is restricted only for teaching Classes 1st to 5th.

Upon notice, reply by way of affidavit of Kulvinder Kaur, Assistant Director, Education Recruitment Directorate, Department of School Education,Punjab has been filed on behalf of respondents 1 to 3. It has been asserted that the recruitment pursuant to Advertisement at P-12 is for teaching students of Classes 1st to 5th in Primary Schools under the Directorate of Elementary Education and is not meant for teaching students of 6th to 8th Classes for which the mandatory minimum qualification is PSTET-II. Hence the justification for requirement of PSTET-I as essential qualification. It is also stated that schools wherein education for Classes 6th to 8th is imparted come under the Directorate of Senior Secondary Education.

In view of the stand taken by respondents 1 to 3 in their reply noticed above, no case for interference is made out.

Dismissed.

04.11.2016
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No