

CWP No.19848 of 2016 (O&M)

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Manoj Kumar
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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19848 of 2016 (O&M)
Date of decision: 21.11.2016

Navneet Kaur

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. M.S. Kang, Advocate for the petitioner.

Mz. Sudeepti Sharma, DAG, Punjab assisted by
Mr. Narinder Singh, SS Master, Education Recruitment
Directorate, Punjab, Mohali.

Jaswant Singh, J

Petitioner, who was aspirant for appointment to the post of ETT Teacher, has approached this Court by preferring this writ petition under Article 226 of the Constitution for issuance of a writ of Certiorari for quashing the selection of candidates having lower merit than the petitioner in PSTET-1; with further directions to respondent Nos.1 & 2 to select and appoint her as ETT Teacher w.e.f the date, other ETT Teachers were issued appointment letters.

Learned counsel for the petitioner contends that the petitioner is having the qualification of BA/B.Ed and she has passed Punjab State Teachers' Eligibility Test (for short "PSTET-I") and thus being duly eligible for the post of ETT Teacher, her claim has wrongly been rejected while declaring result (P.7).

On the other hand, learned State counsel has argued that

the petitioner is lacking the mandatory qualification of Training/Elementary Teachers' Training Two years course of Punjab State or from any other State of UT declared equivalent and recognized by the Punjab Government, and her B.Ed degree is relevant for appointment as ETT Teacher.

Heard learned counsel for the parties and perused the paper book with their able assistance.

In the column of her qualifications details, the petitioner has disclosed in application form (P.5) as under:

Qualification Details:

“	Roll No.	Passing Year	Board /University	Marks	Total	%age
12 th	xx	xxx	xxx	xxx	xxx	xx
ETT	60280	2012	GNDU Amritsar	621	1000	62.10
PSTET-1	xx	xx	xx	xx	xx	xx”

A perusal of the relevant part of application form gives an impression at the first blush that she has passed ETT from GNDU, Amritsar but as a matter of fact, these details are related to her B.Ed Certificate (P.1) and thus the petitioner was not candid/forthright while giving her details in the application form and the same ought to have been rejected without making any further reference and even the present writ petition is liable to be dismissed on that score alone i.e concealment/misrepresentation.

The contention that the petitioner is having the qualification of B.A, B.Ed to her credit and thus she is eligible for consideration to the post of ETT is wholly unacceptable and liable to be rejected in view of the fact that as per the Advertisement dated 09.11.2015 (P.4), the prescribed Educational Qualifications

are as under:

“2. Educational Qualifications

(i) Matric/10+2

(ii) Training/Elementary Teachers Training two years course of Punjab State or from any other State or Union Territory declared equivalent and recognized by the Punjab Govt.

Besides the above educational qualifications it is essential for candidates for ETT vacancies to have passed Punjab State Teacher Eligibility Test (P.S.T.E.T-1).”

Still further, the National Council for Teachers' Education being the Competent Authority under Section 23(1) of the Right of Children to Free and Compulsory Education Act has laid down the qualification of "two years diploma in Elementary Education" by whatever name known in addition to Senior Secondary for the classes I to V.

Admittedly, the post in question is for ETT, which is falling in the Elementary Wing from classes I to V. It is relevant to mention here that in view of the Notification of Government of India dated 27.8.2009, the Elementary Wing of Education consists of Class I to VIII standard and the same is further divided in Primary and Upper Primary. Primary is Classes I to V whereas Upper Primary is Classes I to VIII. In the State of Punjab, ETT Teachers teach the Classes from I to Vth standard whereas B.Ed Teachers from VIth to VIIIth standard. Their curriculum and syllabus to be taught in the Schools are totally different.

It is also relevant to mention here that a Primary Teacher (ETT) cannot be posted to teach the classes from VI to VIII and

vice-versa. Similarly, in the State of Punjab, their Administrative Authority is also separate and service conditions are also governed by way of separate set of Rules for both the categories. In nutshell, ETT and B.Ed Teachers are not inter-changeable and cannot claim the right of consideration in one another. Thus, the petitioner has been rightly considered ineligible for appointment as ETT Teacher.

In view of the above, this Court finds no merit in the present petition.

Dismissed.

November 21, 2016
manoj

(JASWANT SINGH)
JUDGE