

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

CWP No.3139 of 2014 (O&M)

Date of Decision: 11.3.2016

Sunita Devi

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.R.K.Arya, Advocate for the petitioner

Mr.Nikhil K.Chopra, DAG, Punjab

Mr.J.S.Toor, Advocate for respondents no.2 and 3

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

1. Mr.J.S.Toor, learned counsel appearing for the Municipal Corporation, Jalandhar submits that the educational qualifications earned by the petitioner and relied on by him for seeking employment has been obtained from the Bhartiya Shiksha Parishad, Lucknow, U.P. which has been declared as a fake university by the University Grants Commission, New Delhi from a donwload produced showing the position as on 1st July, 2013, while the Certificate of Basic Teacher Training was obtained in 2006. He further states that vide the impugned order dated 30th October, 2013 (Annex. P-6), the Basic Teacher Training Course has not been recognized by the Punjab Government for the purpose of employment under the State. This position has been explained in paragraphs 7 and 8 of the written statement.

2. According to the Punjab Municipal Corporation Primary Teacher

(Recruitment and Conditions of Service) Rules, 2006 (for short “the Rules”), the minimum qualification prescribed for the post of JBT teacher is possession of a diploma in ETT recognized by the School Education Board of any State Government or the Central Government or candidate has a certificate of an equivalent course from the Defence Services of the Union of India. Be that as it may, the fact remains that the petitioner does not possess prescribed Diploma in ETT as she has done her Basic Teacher Training Course from the Bhartiya Shiksha Parishad, Lucknow, U.P. There is also no order passed by the Punjab Government or the Municipal Corporation, Jalandhar [the prospective employer] treating Basic Teacher Training Course from Bhartiya Shiksha Parishad, Lucknow equivalent to ETT course. In the absence of equivalence given by the experts, this Court cannot enter this area by embarking on its own to hold the two courses as equivalent. No material has been placed on record to show that the Course obtained is identical to the two courses of study.

3. Furthermore, as per the download from the website of the Bhartiya Shiksha Parishad, U.P., the issue of recognition of the Bhartiya Shiksha Parishad, Lucknow is *sub judice* before the Supreme Court and the petitioner could have no advantage of this pendency in a case of direct appointment to Municipal Corporation services as the candidature cannot be accepted as conforming to rules. The argument raised with regard to discrimination does not hold water as the information supplied (Annex.P-8) relates to the Department of Rural Development and Panchayats while seeking employment in the Municipal Corporation, Jalandhar. The respondent-Corporation is an independent body which has nothing to do with the Department of Rural Development and Panchayats, and therefore, intra-department discrimination

will not save the candidature of the petitioner or give it flavour of

acceptability which candidature has been rejected on account of petitioner not possessing the essential qualification required for the post under Rule 10 of the Rules.

4. The other argument raised by the learned counsel for the petitioner with regard to discrimination from yet another angle i.e. where persons holding the same qualification have been admitted to service of the Sarv Shikshya Abhiyan Authority, Punjab [based on information supplied by the Public Information Officer of SSAA] which is a centrally funded body operated and administered by the Punjab Government to spread education in different States and, therefore, appointment made therein would remain in the same position as in the Department of Rural Development and Panchayat vis-a-vis the Municipal Corporation, Jalandhar.

5. For these reasons, I find no ground in this petition to interfere in the case which is accordingly dismissed.

(RAJIV NARAIN RAINA)
JUDGE

11.3.2016

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