

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2740 of 2016
Decided on : 10.02.2016

Parminder Deep Kaur & others

... Petitioners

Versus

State of Punjab & another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Harinder Sharma, Advocate, for the petitioners.

G.S. Sandhawalia , J. (Oral)

The petitioners seek a direction for consideration for the post of Elementary Trained Teachers (ETT) advertised by respondent No.2, vide advertisement dated 09.11.2015 (Annexure P1). The educational qualifications, as provided in the advertisement, for the said posts read as under:

“EDUCATIONAL QUALIFICATION:

(i) Matric/10+2:

(ii) Training/Elementary Teachers Training 2 years course of Punjab State or from any other State or Union Territory declared equivalent and recognized by the Punjab Government.

Besides the above qualifications, it is required from the candidates to have passed Teachers Eligibility Test-I (P.S.T.E.T.-I) conducted by the Government of Punjab under R.T.E. Act for the post of ETT Teachers.”

It is not disputed that the petitioner do not possess the Elementary Teachers Training 2 Years qualification, which is a mandatory requirement. In such circumstances, the plea taken that in view of the guidelines issued by the Director, SCERT, Punjab that candidates who have 50% marks in the B.Ed. Examination, are also eligible for the test of Classes 1 to 5,

provided they undergo, after appointment, an NCTE recognized 6 months special program in Elementary Education, cannot gain them the benefit of consideration. Once the appointing authority that is the Education Department has prescribed a specific educational qualification for the candidates which the petitioners are not possessing but only claim to have passed the Punjab State Teachers Eligibility Test-I, on the basis of which, the merit is to be drawn, does not give them any right of consideration or right to submit that they should be given a chance to be considered, in the absence of the requisite qualifications. The Full Bench of this Court in **Som Dutt Vs. State of Haryana & another 1983 (3) SLR 141**, has held that it is prerogative of the employer to provide qualification for appointment to the post and it can insist upon the qualifications so prescribed under the statutory rules. If no equivalent clause has been provided under the rules and the qualifications are clear and specific, the equivalence or otherwise of the qualification possessed by a candidate cannot be taken into account.

In such circumstances, there is no scope for interference, as contended by counsel for the petitioners, under Article 226 of the Constitution of India. Consequently, the present writ petition is dismissed in limine.

FEBRUARY 10, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE