

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

LPA No. 693 of 2016(O&M)

Date of decision :15.07.2016

Baljit Singh

.....Appellant

Versus

**The Director General, School Education and State Project, Director,
Rashtriya Madhyamik Shiksha, Abhiyan Authority.**

.....Respondents

CORAM : HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Ms. Alka Chathrath, Advocate
for the appellant.

DARSHAN SINGH, J.

The appellant is aggrieved with the judgment/order dated 02.02.2016 passed by the learned Single Judge whereby the Civil Writ Petition bearing no. 3297 of 2012 filed by him has been dismissed.

2. In writ petition the appellant has challenged the order dated 09.02.2012 passed by the respondent whereby the appellant was informed the reasons for his non-appointment to the post of Trained Graduate Teacher (hereinafter called TGT) (English) for not possessing the academic qualification as prescribed in the advertisement. It is alleged that the said reasons were factually incorrect as the appellant was possessing the prescribed qualification for the post of TGT (English) as mentioned in the advertisement as he was B.Ed. with 50% marks in B.A. So, the action of the respondent in

considering the appellant as ineligible and not issuing him the appointment letter was illegal, arbitrary and against the settled law.

3. He has further sought a direction to the respondent to issue appointment letter of the appellant against the post of TGT(English) under the SC (Balmiki and Mazhbi) category from the date other similar situated persons have been appointed i.e. with effect from 11.04.2011.

4. We have heard Ms. Alka Chathrath, Advocate, learned counsel for the appellant and carefully gone through the paper book.

5. Initiating the arguments, learned counsel for the appellant contended that as per the advertisement, the essential qualification prescribed for TGT (English) was graduation degree in B.A/B.Sc. with 50% marks with B.Ed. as per the corrigendum dated 10.01.2010. She contended that the appellant was having the essential qualification of B.A with B.Ed with more than 50% marks. He has also studied English in graduation as a subject. So, the appellant has fulfilled all the basic qualification for the post of TGT (English) and he has been wrongly denied the appointment.

6. We have duly considered the aforesaid contentions.

7. The respondent has advertised 25 posts for TGT (English) vide advertisement dated 07.01.2010. The basic and professional qualification for TGT (English) prescribed as per advertisement was as under:-

“Bachelor's Degree with 50% marks in the subject of
Elective English with B.Ed.”

Thereafter, a corrigendum dated 10.01.2010 was issued, which provided the basic qualification for TGT for Science, Maths, English, Social Studies, Punjabi and Hindi as B.A/B.Sc. with 50% marks with B.Ed.

8. In the original advertisement, the basic qualification was Bachelor's Degree with 50% marks in the subject of Elective English with

B.Ed. The qualification mentioned in the advertisement could have been misconstrued that the candidate was only required to have 50% marks in the subject of Elective English though he may not have aggregate 50% marks in graduation. It appears that due to this reason, the corrigendum dated 10.01.2010 has to be issued prescribing B.A/B.Sc. with 50% marks with B.Ed. It does not mean that the condition for having passed the subject of Elective English was deleted. Thus, the plea raised by learned counsel for the appellant that the basic qualification was B.A/B.Sc. with 50% marks with B.Ed and there was no necessity to have passed the Elective English as a subject for the post of TGT (English), is without any substance.

9. Learned Single Judge has rightly concluded by relying upon the Division Bench judgment of this Court in **Kamaljeet Kaur Vs. State of Punjab 2000(1) RSJ 292** that the advertisement cannot be contrary, in conflict with or to override the statutory rules. Learned Single Judge has reproduced the educational and other qualifications for direct recruits as TGT (English) as prescribed in Schedule-I, Clause 7(c) of the Kendriya Vidyalaya Sangathan (Appointment, Promotion, Seniority etc.) Rules 1971, which have been adopted by the Government of Punjab. As per the rules aforesaid English as an Elective subject at degree level, is an essential qualification for TGT (English).

10. It is an admitted case that the appellant has not passed the English as an Elective subject at graduation/degree level. He might have studied English as a compulsory subject but that will not fulfill the required qualification for the post of TGT (English). Only a candidate having passed English as an Elective subject at degree level was eligible for the post of TGT (English) as per the rules. Thus, the action of the respondents in not appointing the appellant to the post of TGT(English) does not suffer from any legal

infirmity, as the appellant did not fulfill the essential qualification for the post.

11. Consequently, the conclusion arrived at by the learned Single Judge does not call for any interference.

12. Resultantly, the present appeal has no merits and the same is hereby dismissed.

**(SURYA KANT)
JUDGE**

**(DARSHAN SINGH)
JUDGE**

July 15, 2016
s.khan