

CWP No.21006 of 2011

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

CWP No.21006 of 2011

Date of Order: 09.01.2017

Kulwinder Kaur

....Petitioner

Versus

State of Punjab & Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Ms. Sudeepti Sharma, DAG, Punjab.

Mr. Gagandeep Singh, Advocate for contesting
respondent No.3.

None for Delhi University/respondent No.4.

JASWANT SINGH, J (ORAL)

The petitioner had competed for appointment on contract basis at a consolidated salary against 1436 posts of English Masters/Mistresses advertised on 20.11.2010 (**P.9**) for posting in the Schools in different Districts administered by Sarv Shiksha Abhiyan Authority, Punjab (for short "SSA").

Since the petitioner did not possess the advertised qualification of English being one of the "Elective Subject" in all the three years of Graduation, she was declared ineligible vide the impugned memo dated 02.11.2011 (**P.17**).

It is not in dispute that the schools run by the SSA are under a Centrally Sponsored Scheme, which is essentially funded

by the Central Government.

Upon notice, separate reply has been filed on behalf of respondent Nos.1 & 2, contesting respondent No.3 and the impleaded Delhi University/respondent No.4

It is the case of the petitioner that she has studied English A subject in all the three years of her Graduation, which as per the nomenclature used by the University of Delhi is for elective subject in English. It is asserted that the syllabus of her English A Subject in her Graduation degree obtained during the year 1991-1994 from the University of Delhi was equivalent to the elective subject of other Universities in the State of Punjab and hence she fulfils the requirement of having studied English as an elective subject in her graduation.

In the reply filed by contesting respondent No.3, it is categorically submitted that the petitioner has studied English A subject as a compulsory subject and not as an optional/elective subject as required by the Advertisement, hence she has been rightly declared as ineligible for recruitment to the post of English Masters/Mistresses.

In the separate affidavit filed on behalf of the University of Delhi/respondent No.4, it is specifically denied that the nomenclature used in the answering University for the elective subject in English is English-A, which pertains to the subject as a compulsory and not an elective subject. It is also submitted that the petitioner has, in her graduation degree, only studied the English subject as a compulsory subject and not an elective subject.

After hearing learned counsel for the parties and perusing the paper book with their able assistance, it is apparent that the petitioner has studied English as a compulsory subject in her Graduation and not as an elective/optional subject in her graduation and hence has been rightly declared as ineligible due to non-fulfilment of the advertised qualification as per Annexure P.9. Still further, it is not in dispute that a similar writ petition bearing CWP No.20635 of 2011 pertaining to the same selection, as cited in the Index, involving identical issue has since been dismissed vide order dated 08.10.2015.

In response, learned counsel for the petitioner is unable to dispute the aforesaid factual position.

In view of the above, present petition is dismissed for the reasons recorded in CWP No.20635 of 2011 titled Anuradha Vs. State of Punjab and Others, decided on 08.10.2015.

January 09, 2017
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No