

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

Date of decision : 25.10.2017

1.

CWP-26795-2016(O&M)

Shikha Rani and another

... Petitioners

Versus

State of Haryana and others

... Respondents

2.

CWP-16975-2016

Anwar Khan and others

... Petitioners

Versus

Board of School Education, Haryana and another

... Respondents

3.

CWP-22143-2016

Sujita

... Petitioner

Versus

State of Haryana and others

... Respondents

4.

CWP-26097-2016

Nidhi Sharma and others

... Petitioners

Versus

State of Haryana and others

... Respondents

5.

CWP-4749-2017

Sandeep Kaur and others

... Petitioners

Versus

State of Haryana and others

... Respondents

6.

CWP-11058-2017

Renu Bala and another

... Petitioners

Versus

Board of School Education Haryana

... Respondent

7.

CWP-15396-2017

Ravinder

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Jagjeet Beniwal, Advocate in CWP-26795-2016;
Mr. R.K.Malik, Senior Advocate with Mr.Jasbir Mor, Advocate
in CWP-16975-2016;
Mr.Tara Chand Dhanwal, Advocate in CWP-22143-2016;
Mr.Ankur Pandey, Advocate for Ms.Renu Bala Gautam,
Advocate in CWP-26097-2016;
Mr.Parvesh Kumar Saini, Advocate in CWP-4749-2017;
Mr.Dharamveer Phour, Advocate in CWP-11058-2017;
Mr. Sandeep Thakan, Advocate in CWP-15396-2017;
for the petitioners.

Mr.Hitesh Pandit, Addl.A.G. Haryana.

Mr.K.K.Gupta, Advocate
for the respondent-Board of School Education Haryana
in CWP-16975-2016, CWP-26795-2016, CWP-4749-2017,
CWP-11058-2017, CWP-15396-2017,

Mr.Jagbir Malik, Advocate
for the applicants-respondents no.5 to 9 (in CM-15045-CWP-
2017 in CWP-26795-2016).

AMOL RATTAN SINGH, J.(ORAL)

By most of these petitions, the petitioners have challenged the letter dated 21.09.2016 (Annexure P-8 in CWP-26795-2016), issued by the Director, Secondary Education Haryana, to the Secretary, Haryana Staff Selection Commission, firstly allowing persons with a degree in M.A. in English to compete for the posts of TGTs English, even if they do not have English as an elective subject at the graduation level, i.e. B.A.

Secondly, by the said letter those having B.A with English as a compulsory subject, have also been allowed to compete for the posts of TGTs (English), on the ground that Maharshi Dayanand University, Rohtak, has declared that B.A. with English as a compulsory subject is equivalent to B.A. with English as an elective subject at that level.

In some of these petitions, one such petition being CWP no.16975 of 2016, the petitioners are challenging the action of the respondents in not accepting their certificates of having passed the HTET, on the ground that the subject Head given in such certificates shows a particular subject, that which in the case of the petitioner in CWP no.16975 of 2016 is shown his subject area as “Social Studies” which the petitioners seek to be changed to “Physical Education” because an objection is being

cannot rely on the HTET certificates in the subject of Social Studies.

The other petition of similar nature is stated to be CWP no.11058 of 2017.

Other clarifications have also been given which are not germane to the present controversy.

It is also contended on behalf of the petitioners that as the Haryana Teachers Eligibility Tests (HTET), is conducted by the Board of Secondary Education, Haryana, in separate subjects, only those candidates who have passed the HTET/STET in the subject relevant to the post for which they have applied, and also have academic qualifications, as per the service rules, should be considered to have been passed the said test (HTET) as have passed such “relevant test” and are eligible for the posts for which they have applied.

Mr.K.K.Gupta, learned counsel appearing for the Board of School Education, Haryana, has produced in Court today an Information Bulletin published by the Board, in which Clause 6.2 stipulates as follows:-

“6.2 Level-II- For becoming Teacher for Classes VI-VIII: Elementary Stage (TGT)

There shall be only one paper. All questions will be Multiple Choice Questions (MCQs) each carrying one mark with four alternatives out of which one answer will be correct.

No. of MCQs-150; Duration of Examination: Two-and-a-half hours.

Structure and Content:

- | | | |
|-------|---|-------------------------|
| (i) | Child Development & Pedagogy (Compulsory) | 30 MCQs 30 Marks |
| (ii) | Language I-(English)(Compulsory) | 30 MCQs 30 Marks |
| (iii) | Language II | 30 MCQs 30 Marks |
| | (Hindi /Sanskrit/Panjabi/Urdu-Choose any one) | |
| (iv) | (a) For Mathematics and Science Teacher: | Mathematics and Science |
| | | 60 MCQs 60 Marks |
| | (b) For Social Studies teacher: | Social Studies |
| | | 60 MCQs 60 Marks |

(c) For Hindi/English/Sanskrit/Panjabi/Urdu/ Choose either (iv)(a) OR IV(b)

*Home Science/Physical Education/
Art/Music Teacher*

IMPORTANT NOTE

The aforesaid content & structure of Level-2 is strictly in accordance with the policy laid down by the National Council for Teacher Education. As mentioned above, Section -(iv) is divided into two parts i.e. (a) for Math & Science teachers and (b) for Social Studies teacher. However, these two parts (a) or (b) of section (iv) will be optional for Hindi /English/Sanskrit/Punjab/Urdu/Home Science/Physical Education Teacher (DPE)/Music/Art teachers and therefore every candidate appearing for Level-2 for these subjects will have to fill up their option in the application form to be submitted online. Similarly every candidate of Level-2 will have to offer his/her choice of language for attempting 30 questions relating to section (iii), while submitting online application.”

A perusal of sub-clause (iv)(c) of the aforesaid clause shows that as regards those applying for the post of TGT, either in Hindi / English/ Sanskrit/Punjabi/Urdu/Home Science/Physical Education Teacher/Art/ Music, they have to chose to appear either in the Maths and Science paper, or the Social Studies paper.

Thus, no separate examination / paper is held by the Board while conducting the HTET, specific to any language (whether it be English, Hindi, Sanskrit, Urdu or Punjabi) or even for Physical Education, Arts and Music.

Consequently, the contention of the petitioners that the HTET examination must have been passed in the language in which the candidate seeks to be a teacher (TGT), is a wholly misconceived argument altogether, there being no separate paper held by the Board of School Education, Haryana, for HTET (in English/Hindi etc. or for Physical Education, Home Science, Arts & Music).

Mr. Gupta, learned counsel for the Board, even on specific query, has admitted the same.

In other words, to repeat, a person applying for the post of TGT (Hindi /English etc./ Physical Education/Arts/ Music), must either appear in the Math and Science paper, or the Social Studies paper.

Therefore, that contention is rejected.

To avoid confusion in future, the Board of School Education, Haryana, is also directed to ensure that the certificates it issues in future, would be either showing the candidate to have cleared the HTET (Maths and Science) or the HTET (Social Studies) not specifying any particular subject other than the above, till the time that the Board does not hold any examination for specific languages/ Physical Education/Arts/ Music etc.

This would also be so in view of the fact, as pointed out by Mr.R.K.Malik, Senior Advocate appearing for the petitioner (in one of these cases), that even the statutory rules simply stipulate that a candidate applying for the post of TGT must clear the HTET, without specifically stating the subject in which it is to be cleared.

Coming to other contention of the petitioners, that the respondent Commission is wrongly accepting the candidature of those persons who have not passed B.A. with English as an elective subject but only as a compulsory subject, the Maharshi Dayanand University itself having clarified that English as a compulsory subject at the graduate level is equivalent to English as an elective subject at that level, it obviously means that anybody who has cleared the B.A. examination with English as a compulsory subject would be deemed to have cleared it with English as an elective subject.

Hence that contention of the petitioners is also rejected.

As regards the first contention of the petitioners that the Commission is wrongly allowing persons possessing a post-graduate degree in English, with those persons not having English as an elective subject at the graduation level, firstly of course the same reasoning as has been given immediately hereinabove with regard to having English as a compulsory subject though not an elective subject, at the graduation level, would apply to the present case also, with the University having clarified as above. The contention is, therefore, to be rejected on that ground alone.

Further, Mr.Pandit, learned counsel for the respondent-State, has pointed to what is stated in the reply of the respondent-Commission, to the effect that as per the instructions issued by the Chief Secretary to the Government of Haryana, dated 25.03.2016, it is stipulated that if a candidate possesses a higher qualification, “in the same line as prescribed in the minimum qualifications applicable to a particular post, then he should be considered as eligible for that post.”

Hence for both the aforesaid reasons, that contention on behalf of the petitioners is also rejected.

Consequently, finding no merit in these petitions, they are dismissed.

(AMOL RATTAN SINGH)
JUDGE

October 25, 2017.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No