

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

117

**CWP No.23224 of 2017 (O&M)
Date of Decision: 10.10.2017**

Jyoti Puri

....Petitioner

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Vivek Sharma, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

The office of Director, Education Recruitment Board-cum-Director General, School Education Department, Punjab, issued advertisement in the month of August 2017 (Annexure P-2) inviting applications for filling up 393 posts of English Masters/Mistresses.

The essential educational qualifications prescribed were contained in Clause 2 of the advertisement and in the following terms:-

“2. Educational Qualification:-

(i) Should have possessed a valid bachelor's degree from a recognized university Elective English having studied in each year of graduation.

(ii) B.Ed. with teaching subject of English.

AND

Guidelines of National Council of Teaching

Education (NCTE).

Besides the abovesaid academic qualifications, it is mandatory for the candidates for the post of Master/Mistress teacher to have cleared the Punjab State Teaching Eligibility Test-2 (P.S.T.E.T.-2) conducted by the Punjab Government under R.T.E. Act.”

The instant writ petition prays for issuance of a writ of certiorari seeking quashing of Clause 2 and 3 of the advertisement to the extent that passing the Punjab State Teacher Eligibility Test-2, has been stipulated as one of the essential eligibility conditions to be considered for appointment to the post of English Master/Mistress.

The entire case set up on behalf of the petitioner is that she has passed the Central Teacher Eligibility Test and since, both the tests i.e. PSTET-2 as also CTET are conducted as per the Right to Education Act, the same have to be treated on the same pedestal. Petitioner claims that by virtue of having qualified the Central Teacher Eligibility Test, she cannot be held to be in-eligible for consideration of appointment to the post of English Master/Mistress.

Counsel very fairly concedes that the petitioner had otherwise appeared in the PSTET-2 test conducted in the year 2015, but, had failed to qualify the test.

Counsel for the petitioner has been heard at length.

The issue raised in the instant petition is no longer res

integra. A Division Bench of this Court in **CWP No.346 of 2013 (Antim Kumari and others vs. State of Haryana and others)** and other connected petitions decided on 29.04.2015, was seized of a situation, wherein, the State of Haryana had not conducted the State Teacher Eligibility Test in the year 2012 and certain candidates who had qualified the Central Teacher Eligibility Test were claiming eligibility for purposes of recruitment as Primary Teachers in pursuance to an advertisement dated 08.11.2012, issued by the Haryana School Teachers Selection Board. One of the questions formulated by the Division Bench for adjudication was in the following terms:-

“Whether candidates who have qualified CTET during the year 2012 when no STET was held, are entitled to claim eligibility for the advertised posts in terms of guidelines issued by NCTE?”

Such question was answered in Paragraphs 21, 22 & 23 of the Judgment in **Antim Kumari's case (supra)** in the following terms:-

“[21] We have already noticed above that as per Section 23 of the RTE, a person to be appointed as a teacher in an elementary school is required to possess such minimum qualification as is prescribed by the academic authority to be notified by the Central Government. The National Council for Teachers Education has been notified as such authority by the Central Government. Vide notification dated 23.08.2010 issued in accordance with Section 23(1) of the RTE Act, the National

Council for Teachers Education specified that passing of a teachers eligibility test to be conducted by the appropriate Government would be one of the essential qualifications for a person to be eligible for appointment as a teacher in Classes I to VIII.

[22] As per Section 2 of the RTE Act, the State Government is the appropriate Government in relation to a school established within the territory of the State Government other than a school established, owned or controlled by the Central Government. Thus, for recruitment of Primary Teachers for State Government Schools, the State Government is the appropriate Government. And as prescribed by the NCTE, which is the academic authority in terms of the mandate of the RTE Act, passing of a teachers eligibility test to be conducted by the State Government is one of the essential qualifications for eligibility for appointment as Primary Teacher. The NCTE has in its affidavit referred to above clarified that the guidelines relied upon by the Ld. Counsel for the petitioners are directory in nature.

[23] Thus, there is no force in the argument of the Ld. Counsel for the petitioners that as HTET test was not conducted in the year 2012, the petitioners should be held eligible on the basis of their having qualified the CTET. The petitions in this set are thus dismissed."

In the light of the dictum laid down in **Antim Kumari's case**, the prayer made in the instant petition for the petitioner to be declared eligible for the post of English Master/Mistress on

account of having qualified the Central Teacher Eligibility Test cannot be accepted. Rather, the present case is on a weaker footing as opposed to the facts in **Antim Kumari's case**. In **Antim Kumari's case**, the petitioner therein had qualified the CTET and were claiming eligibility on one additional ground i.e. the State Teacher Eligibility Test having not been conducted by the Haryana State for the year in question i.e. 2012 when the advertisement had been issued for recruitment to the post of Primary Teacher. To the contrary in the present case, the petitioner has concededly appeared in the PSTET-2 in the year 2015 and has failed to qualify the same.

The instant writ petition is dismissed as per view and dictum of the Division Bench judgment in **Antim Kumari's case**.

Dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

10.10.2017
anju rani

Whether speaking/reasoned : ***Yes/No***
Whether reportable : ***Yes/No***