

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.23945 of 2017(O&M)
Date of Decision: 16.11.2017

Devkaran Singh --Petitioner

Versus

State of Punjab and another --Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Gurmeet Singh, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner is aggrieved of the action of the respondent- Education Department, State of Punjab in declining him appointment to the post of E.T.T Teacher under the Freedom Fighter category.

Counsel for the petitioner has been heard at length.

The office of the Education Recruitment Directorate, Punjab issued Public Notice dated 9.11.2015 inviting applications for recruitment to 3522 posts of E.T.T Teachers. The category wise post reflecting reservation was mentioned in the advertisement itself and as follows:-

Sr. No.	Category	Posts	Special Remarks
1.	General Category	1761	
2.	SC Category (M&B)	352	One post should be given to the candidate who obtained highest merit from both the categories.
3.	SC Category (R&O)	352	
4.	Ex Serviceman (General)	247	
5.	BC Category	352	
6.	Handicapped	106	
7.	SC Category (Ex-serviceman) (M&B)	70	One post should be given to the candidate who obtained highest merit from both the categories

Sr. No.	Category	Posts	Special Remarks
8.	SC Category (Ex-serviceman) (R&O)	70	
9.	Sports person (General)	70	
10.	BC Category (Ex-serviceman)	70	
11.	Freedom Fighter	35	
12.	SC Category (Sports Person) (M&B)	17	One post should be given to the candidate who obtained highest merit from both the categories.
13.	SC Category (Sports person) (R&O)		
	Total	3522	

The essential educational qualifications for the post were also stipulated i.e. Matric/10+2 and Training/Elementary Teacher Training two years course of Punjab State or Union Territory declared equivalent and recognized by the Punjab Govt. In addition thereto candidates were also required to have qualified the Punjab State Education Eligibility Test.

Clause 3 defined the mode of selection. It was categorically stipulated that the final merit of the candidates, who otherwise possessed the requisite qualifications would be determined solely on the basis of the marks obtained in the Punjab State Teachers Eligibility Test-I (P.S.T.E.T-I).

Petitioner is stated to have applied for the post of E.T.T both under the S.C category as also Freedom Fighter category.

The respondent department has declined appointment to the petitioner for the post in question against the Freedom Fighter category on the basis that he had cleared the P.S.T.E.T Examination as an S.C category candidate.

It is the pleaded case of the petitioner himself in para 4 of the writ petition that the qualifying percentage in the P.S.T.E.T for General Category candidates was 60% (90 out of 150 marks) and for S.C/B.C category was 55% (82 out of 150 marks).

Petitioner concededly secured 84 marks out of 150 in the P.S.T.E.T Examination. In other words, petitioner qualified the P.S.T.E.T Examination conducted by the State of Punjab by taking advantage of the relaxed qualifying standard meant for S.C/B.C category candidates. The percentage of marks obtained by the petitioner in the P.S.T.E.T was less than 60% which was the qualifying percentage for General Category candidates.

What would clearly flow as per law is that the petitioner having availed of relaxed standard of qualifying percentage in the P.S.T.E.T Examination as a candidate belonging to the S.C category, his candidature for recruitment to the post of E.T.T Teacher has to be confined as a S.C category candidate as in the mode of selection defined in the advertisement the final merit was to be determined solely on the basis of marks obtained in the P.S.T.E.T Examination.

There is no dispute that had the petitioner appeared in the P.S.T.E.T Examination not as a S.C category candidate he would not have even qualified the same.

Petitioner's right for consideration to the post of E.T.T Teacher having qualified the P.S.T.E.T Examination as a S.C category candidate has to be confined only to the S.C category.

There is no infirmity in the action of the respondent department in not having considered the petitioner for appointment as an E.T.T Teacher against the Freedom Fighter category.

For the reasons recorded above, there is no merit in the instant petition and the same is, accordingly, dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

16.11.2017

lucky

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No