

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP No.8250 of 2013
Date of Decision:-28.02.2017.

Kavita Sharma

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Ms. Anu Chatrath Kapur, Advocate and
Ms. Stuti Monga, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, the petitioner has questioned the validity of the Memo dated 16.11.2012 vide Annexure P-6 by which her candidature for the post of PGT Chemistry has been rejected stating that she do not possess the requisite academic qualification as on the cut off date.

2.) Learned counsel for the petitioner submitted that the petitioner is qualified with M.Sc. Applied Chemistry which is an equivalent qualification to that of M.Sc. Chemistry. If the Rule does not specify M.Sc. Applied Chemistry then the equivalency shall be verified from the University. Accordingly, she relies on various documents vide Annexure P-12 to P-14 to contend that the selecting authority is required to accept the M.Sc. Applied Chemistry is equivalent to M.Sc. Chemistry and consider her candidature. Further in support of her claim, she relied on earlier decision rendered by this Court in LPA No.1110 of 2012 dated 20.9.2012 wherein the matter has been remanded to learned Single Judge for the purpose of

an amendment in the rules needs to be carried out.

3.) On the other hand, learned counsel for the respondents submitted that the post of PGT Chemistry is governed by the rules called Haryana State Education School Cadre (Group 'B') Service Rules, 2012. The requisite qualification prescribed for the post of PGT (Chemistry) reads as under:-

“(i) M.Sc. Chemistry or Bio-Chemistry with at least 50% marks and B.Ed from recognized university; AND

(ii) Matric with Hindi/Sanskrit or 10+2/B.A./M.A. with Hindi as one of the subject; AND

(iii) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET).

(iv) Consistent good academic record.”

Admittedly, the petitioner, do not have the qualification of M.Sc. Chemistry or Bio-Chemistry. On the other hand, she had the qualification of M.Sc. Applied Chemistry which is not one of the qualification prescribed for the post. It was further contended that under the Rules, 2012 against PGT (Chemistry), no equivalent qualification to that of M.Sc. Chemistry or Bio-Chemistry is prescribed, therefore, it is mandatory that for the purpose of filling up the post of PGT (Chemistry), one must have M.Sc. Chemistry or Bio-Chemistry and not none. Hence, the petitioner has not made out a case so as to interfere with the decision to reject her candidature for the post of PGT (Chemistry).

5.) Heard learned counsel for the parties.

6.) Short question for consideration in the present petition is whether the petitioner fulfills the requisite qualification prescribed for the post of PGT (Chemistry) or not. Admittedly, the petitioner do not have the

qualification of M.Sc. Chemistry or Bio-Chemistry which is the crux of the matter. She had the qualification of M.Sc. Applied Chemistry. Perusal of requisite qualification prescribed for the post of PGT (Chemistry), nowhere it is stated that any equivalent qualification to that of M.Sc. Chemistry or Bio-Chemistry. In other words, Rule is silent in respect of equivalent qualification. Therefore, the selecting or appointing authority has to adhere to the prescribed requisite qualification to fill up the post of PGT (Chemistry). Hence, the petitioner's candidature cannot be considered to the extent that M.Sc. Applied Chemistry is equivalent to M.Sc. Chemistry or Bio-Chemistry. Learned counsel for the petitioner relied on earlier decision of this Court. This Court has only directed the learned Single Judge to examine that in the absence of phrase "equivalent" in the advertisement or an amendment in the rules needs to be carried. In the present case, there is no amendment or phraseology of equivalent qualification are inserted in the Rules. Therefore, the petitioner cannot contend that M.Sc. Applied Chemistry is equivalent to that of M.Sc. Chemistry or Bio-Chemistry. In the absence of necessary provision that M.Sc. Chemistry or Bio-Chemistry or equivalent qualification and equivalent qualification are M.Sc. Applied Chemistry, the petitioner cannot seek for equating M.Sc. Applied Chemistry to that of M.Sc. Chemistry or Bio-Chemistry. Thus, there is no infirmity in rejecting the petitioner's candidature for the post of PGT (Chemistry) for want of necessary qualification prescribed for the post.

7.) Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

February 28, 2017.

sandeep sethi

Whether speaking/reasoned:-

Whether Reportable:-

Yes / No

Yes / No.