

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8286 of 2017

Date of Decision:-21.04.2017.

Santosh Rani

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr.Narender Pal Bhardwaj, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

The petitioner is a candidate for recruitment to the post of TGT Punjabi. Method of recruitment for the post reads as under:-

i. B.A. with at least 50% marks in Punjabi as an elective subject and 2 year Diploma in Elementary Education;

OR

B.A. With at least 50% marks as well as in Punjabi as an elective subject and 1 year Bachelor of Education (B.Ed.);

OR

B.A. With at least 45% marks as well as 50% marks in Punjabi as an elective subject and 1 year Bachelor in Education (B.Ed.) in accordance with NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard;

OR

Senior Secondary (or its equivalent) with at least 50% marks and four year Bachelor in Elementary Education (B.El.Ed.)”

Undisputedly, the petitioner do not fulfill the requisite qualification of 50% marks in Punjabi as an elective subject and she has secured 49.50%. One of the contention raised by the petitioner is that it is required to be round of to 50% and secondly in identical circumstances, selecting authority have relaxed for TGT English and further submitted that she had the higher qualification of M.A. Punjabi with 56% marks. Therefore, she has sought for quashing the condition imposed in the advertisement and further sought for a direction to consider her candidature. In respect of the same she has placed reliance on Full Bench decision of this Court in **Manjit Singh Vs. State of Punjab and others 2010 LIC 2725**.

Heard learned counsel for the petitioner.

Undisputedly, the petitioner do not fulfill the requisite qualification prescribed for the post of TGT Punjabi to the extent of possessing of 50% marks in Punjabi as an elective subject. Consequently, there is no provision of relaxation from 50% to lesser than 50%. If the selecting authority have relaxed certain percentage in respect of TGT English which is contrary to Rules, the same cannot be taken into consideration. Further merely because she had higher qualification of M.A. with 56% marks that cannot be taken into consideration having regard to the language employed in the Rules of recruitment to the post of TGT Punjabi that one must have qualification of 50% marks in Punjabi as an Elective Subject. Moreover, there is no challenge to rules of recruitment. Insofar as reliance on ***Manjit Singh's case*** (supra) is concerned, the same is not

applicable to the present case in view of para 48 of **Nair Service Society vs**

T. Beermasthan 2009 (2) SCT 625 which reads as under:-

“48. Several decisions have been cited before us by the respondents, but it is well established that judgments in service jurisprudence should be understood with reference to the particular service rules in the State governing that field. Reservation provisions are enabling provisions, and different State Governments can have different methods of reservation. There is no challenge to the Rules, and what is challenged is in the matter of application alone. In our opinion the communal rotation has to be applied taking 20 vacancies as a block.”

Thus petitioner has not made out a case, accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

April 21, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.