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

**LPA No.46 of 2015 (O&M)
Date of Decision: 31.01.2017**

Navneet Kaur

..... Appellant

Versus

Sarv Siksha Abhiyan Authority and others

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. Vivek Salathia, Advocate for the appellant.

Mr. Anupam Singla, Advocate for respondent No.1.

SURYA KANT J. (ORAL)

1. The only question that falls for consideration in this case is whether the appellant is entitled to be considered for the post of ETT Teacher advertised by Sarv Siksha Abhiyan Authority, Punjab?

2. It is an admitted fact that as per the advertisement (including the Corrigendum Annexure P-4), the qualification required to be possessed by a candidate was Senior Secondary with minimum 50% marks or equivalent with 2-years' Diploma in Elementary Education or Graduation with minimum 50% marks with B.Ed.

3. The appellant belongs to General Category. She does not have 50% marks in Graduation. Resultantly, her candidature was rejected.

4. She raised two-fold grievance in the writ petition, namely, (i) there was no requirement of to have 50% marks in Graduation as per the qualifications prescribed by National Council for Teacher Education (NCTE) and (ii) she was also entitled for relaxation of 5% marks at par with Backward Class candidates to whom the respondents had granted such relaxation in terms of the NCTE notification.

5. Learned Single Judge has turned down the appellant's claim, giving rise to this appeal.

6. We have heard learned counsel for the parties.

7. The appellant has neither challenged the advertisement prescribing the requirement of 50% marks in Graduation nor the Statutory Rules formulated by the State of Punjab whereunder also this 50% marks in Graduation, is one of the mandatory eligibility condition.

8. So far as NCTE regulations are concerned, the same prescribes only “minimum education qualification”. Thus, nothing precludes the State to prescribe a higher qualification provided that such higher qualification is in conformity with the qualifications recommended by NCTE uniformly to be followed throughout the country. There is no conflict in the instant case between the qualifications prescribed by NCTE or the State Government.

9. The fact that respondents have granted 5% relaxation to Backward Class Category candidates by drawing support from NCTE notification whereunder even General Category candidates with less than 50% marks are eligible for such relaxation also does not advance the appellant's case. The appellant cannot seek parity with a distinct class like “Backward Class” for whom relaxation flows from the constitutional mandate contained in Articles 15 & 16 of the Constitution.

10. Dismissed.

(SURYA KANT)
JUDGE

31.01.2017
Bhumika

(SUDIP AHLUWALIA)
JUDGE

Whether speaking / reasoned : Yes

Whether Reportable : No