

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

1. CWP No. 12143-2016 and connected matters

Suresh Chander and ors. ...Petitioners

versus

State of Haryana and others ..Respondents

2. CWP No. 15740 of 2018

Gurtej Singh and ors.Petitioner

versus

State of Haryana and others ..Respondents

3. CWP No. 15741 of 2018

Ram Kumar ...Petitioner

versus

State of Haryana and others ...Respondents

Date of Decision:12.09.2018

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Alka Chatrath, Advocate and Mr. S.K. Malik, Advocate
for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana

RITU BAHRI, J. (Oral)

C.M. No. 18165-2017 in/and CWP No. 12143-2016

Application is allowed as prayed for. Accordingly, Annexure P-
10 is taken on record.

CWP No. 12143-2016 and connected matters.

Petitioners are seeking quashing of respondents in rejecting the

cases of the petitioners for promotion to the posts of TGT on the ground that they are not possessing the qualifications of B.Ed with Teaching of Sanskrit/Punjabi. However, for the facility of reference, the facts are being taken from CWP No. 12143-2016

Learned counsel for the petitioners at the very outset has referred to Haryana School Education (Group C) State Service Rules, 2012 whereby for promotion to the posts of TGT Sanskrit and Punjabi, the following qualification is required:-

By Promotion:-

(i) B.A. with at least 50% marks in Sanskrit as an elective subject and 2- year Diploma in Elementary Education; OR

B.A. with at least 50% marks as well as in Sanskrit as an elective subject and 1-year Bachelor in Education (B.Ed.);

OR B.A. with at least 45% marks as well as 50% marks in Sanskrit as an elective subject and 1-year Bachelor in Education (B.Ed.), in accordance with the 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 4 year Bachelor in Elementary Education (B. El. Ed.);

OR Senior Secondary (or its equivalent) with at least 50% marks and 4 year BA Ed.;

OR B.A. with at least 50% marks as well as in Sanskrit as an elective subject and 1-year B.Ed. (Special Education);

(ii) In case of B.Ed., Sanskrit as a teaching subject from a Recognized university;

(iii) 3 years experience as Primary Teachers (PRTs)/ Classical & Vernacular (C&V) Teachers;

(iv) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)

/School Teachers Eligibility Test (STET)

TGT PUNJABI

By Promotion:-

(i) B.A. with at least 50% marks in Punjabi as an elective subject and 2- year 'Diploma in Elementary Education; OR 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 I-year Bachelor in Education (B.Ed.);

OR B.A. with at least 45% marks as well as 50% marks in Punjabi as an elective subject and I -year Bachelor in Education (B.Ed.), in accordance with the 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 4 year Bachelor in Elementary Education (B. El. Ed.);

OR Senior Secondary (or its equivalent) with at least 50% marks and 4 year BA Ed.;

OR B.A. with at least 50% marks as well as in Punjabi as an elective subject and I-year B. Ed . (Special Education);

(ii) In case of B.Ed., Punjabi as teaching subject from a recognized university;

(iii) 3 years experience as Primary Teachers (PRTs)/ Classical & Vernacular (C&V) Teachers;

(iv) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)

/School Teachers Eligibility Test (STET). ”

The only objection taken by the respondents in the written statement is that there is a provisions in Rules 2012 that primary teacher (JBT) who is to be promoted to the post of TGT (Sanskrit/Punjabi) should have B.Ed Sanskrit/Punjabi as a teaching subject from a recognized

University in the degree of B.Ed. The petitioners have not the teaching

subject of Sanskrit/Punjabi in their degree of B.Ed.

At this stage, learned counsel for the petitioners has referred to notification dated 28.11.2014 and Regulation 9 of the above said regulations provides for the Norms and Standards and the programs shown in the table have to comply with the norms and standards for various teacher education as specified in Appendix 1 to Appendix 15. The Appendix 2 of the said notification deal with norms and standards for diploma in Elementary Education Program leading to the Diploma in Elementary (D.E.I.E.D). Under 1.2 of Appendix provides that the Elementary Education Programme carries different nomenclature such as B.T.C, JBT, D.E.I.E.D and diploma in Education and it has been further provided that henceforth the nomenclature for the programme shall be same across all the State and it is to be referred as Diploma in Elementary Education and the duration of D.E.I.E.D programme shall be duration of two Academic Years and the eligibility for the said course is 50% higher secondary (10+2) or its equivalent examination.

In the present case, the petitioners are possessing the qualifications of Matric with Hindi as subject and with 2 years diploma in education, B.A with elective sanskrit, B.Ed, M.A and are thus eligible for appointment to the post of JBT teacher and further entitled to be promoted to the post of Sanskrit Teacher (TGT Sanskrit). The petitioners cannot be denied promotion to the post of TGT on the basis of qualifications which is not mentioned in the statutory rules governing the conditions for promotion to the post of TGT Sanskrit.

In view of the above position, the above petitions are allowed and order dated 29.04.2016 and 24.05.2018 are set aside and respondents are

directed to consider the petitioners eligible to be promoted to the post of TGT (Sanskrit/Puujabi) at par with juniors. The petitioners are entitled to all consequential benefits.

(RITU BAHRI)
JUDGE

12.09.2018

G Arora

Whether speaking/reasoned
Whether reportable

Yes
No