

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

(I) CWP-23025-2012 (O&M)
Date of decision : 29.10.2018

Gopal Dass and others

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

(II) CWP-599-2013 (O&M)
Date of decision : 29.10.2018

Sadiq Mohd.

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Mukand Gupta, Advocate,
for the petitioners in CWP-23025-2012.

None for the petitioner in CWP-599-2013.

Mr. Vikas Mohan Gupta, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J.

This judgment shall dispose of above-noticed two writ petitions as common questions of fact and law are involved therein. However, the facts are being derived from CWP-23025-2012, for the sake of brevity.

Prayer in the instant petition filed under Articles 226/227 of the

Constitution of India is for issuance of a writ in the nature of Mandamus, directing the respondents to appoint the petitioners to the post of Master/Mistress in Social Studies, Hindi and Punjabi after granting additional marks for higher qualification(s).

It is the case of the petitioners that vide advertisement dated 07.05.2011, the respondents invited applications for filling up 3442 posts of Master cadre in various subjects. As per the advertisement, the requisite qualifications prescribed from such posts was B.A. with B.Ed. in concerned subject.

The precise grouse of the petitioners that that despite all the petitioners possessing higher qualification of M.Ed., 10% extra marks were not granted, therefore, the petitioner could not figure in the merit list.

On the other hand, learned State counsel submits that the 10% extra marks were to be awarded for higher education in the relevant subjects. It is submitted that if a candidate is applying for the post of Master/Mistress Hindi, then the higher education ought to have been in the subject of Hindi so as to make the candidate entitled to extra 10% marks. To the contrary, the petitioners have higher education in the form of Master of Arts (Education), which could not be considered for grant of 10% marks in question.

Heard.

A perusal of the advertisement in question reveals that for a candidate to be eligible for applying against the post in question, he/she should possess three years B.A. Degree from any recognized university as

well as B.Ed. Degree in the relevant subject against which application is made. It further provides for grant of 25% marks for B.A.; 25% for B.Ed.; 30% for P.S.T.E.T.; 10% for M.A./M.Ed.; 5% for M.Phil; and 5% for Ph.D. It has further been provided in the advertisement under the head **Criteria for Selection** that weightage of higher education will be granted in the concerned subject as per criteria. Admittedly, none of the petitioners possess higher education in the concerned subject i.e. Hindi, Punjab or Social Studies, as the case may be.

Furthermore, the question whether a degree of Master of Education can be treated as equivalent to the Masters Degree in a particular subject has been determined by Hon'ble the Supreme Court in **Dr. Prit Singh Vs. S.K. Mangal, 1993 (Supp 1) SCC 714**, which reads thus:-

“It need not be pointed out that the Degree of Master of Arts is an academic qualification, whereas, Degree of Master of Education is a professional qualification. According to us, when the qualification required “a consistently good academic record with first or high second class (55% marks/grade B in the seven point scale) Master's Degree in any subject, it shall be an academic qualification like Master of Arts. The said requirement was prescribed with “a consistently good academic record.” That Master's Degree shall mean Degree of Master of Arts in any subject, is apparent also from the fact that apart from that degree the candidate was required to possess also “Degree in Education” which will mean B.Ed. or M.Ed. Normally if the expression “Master's Degree” was to include even the Master's Degree in Education (M.Ed.) there was no

necessity of prescribing the third requirement of a Degree in Education.”

The petitioners, thus, cannot claim weightage on account of the M.Ed. Degree possessed by them, particularly, when the advertisement itself provides that the benefit in question would be granted only in case of a higher degree in the concerned subject.

In this view of the matter, the instant petitions, being devoid of any merit, are hereby dismissed.

Photocopy of this judgment be placed on the file of the connected case.

29.10.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No