

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

CWP No.18868 of 2017 (O&M)

Date of Decision: 25.07.2018

Muskan and another

....Petitioners

Versus

Director General School Education, Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Ms. Neesh Garg, Advocate for the petitioners.

Mr. Suveer Sheokand, Additional Advocate General, Punjab.

MAHESH GROVER, J. (Oral)

C.M.No.377 of 2018

Allowed as prayed for. Copies of the results of the petitioners are taken on record as Annexures P-12 and P-13.

MAIN CASE

The petitioners have prayed that they be permitted to appear in the Counselling for two years' Diploma in Elementary Education (D.El.Ed.). The minimum qualifications prescribed are as below:-

“ A. Senior Secondary (10+2) Exam or Equivalent passed with minimum 50% marks for General Category and 45% marks for SC/ST Category. No candidate with Re-appear/ Compartment/ Result later etc. in qualifying examination shall be eligible to apply.

B. Candidates appearing in the 10+2 Exam can also apply subject to above conditions. ”

The respondents also prescribed the additional condition, which is also extracted hereinbelow:-

“ **ADDITIONAL CONDITION:-** To ensure high quality standards, any candidate who has not passed subjects

English, Hindi, Punjabi, Science, Social Studies and Mathematics in Class X Examination shall not be eligible to apply for admission to D.El.Ed. ”

The petitioners did not have Hindi subject in Class 10th standard but had opted for supplementary exam in this subject and cleared in October, 2017.

The admission to the Course is for the Session 2017-2019. The petitioners were admitted in September, 2017 after the Court intervened. Both the petitioners have now undergone more than half of the Course and they contend that in view of the fact that they have now cleared the Hindi Examination, their admission should be regularized.

Learned State Counsel opposed this prayer and contends that the petitioners cannot be treated as eligible.

That being the only controversy, we have given our thoughtful consideration to the matter.

The Notification of the State dated 11.04.2012 prescribed the minimum educational qualification to enable the aspirants to be eligible for the Course as Senior Secondary Examination or its equivalent with the minimum 50% marks for General Category and 45% marks for the SC/ST Category.

The stand of the State to deny the petitioners' admission to the Course can be termed to be harsh and unjust primarily for the reason that undisputedly, the petitioners have the minimum educational qualifications.

What they did not fulfill was an additional condition and the language of the clause Centres on a 'desirable' situation to achieve the object of 'ensuring higher quality standard of education'. It is thus not the minimum

eligibility condition that the petitioners did not possess but one which was desirable. In any eventuality, this is not inherent and the part of the minimum educational qualification prescribed by the respondents and this, therefore, could not have been taken as the sole ground to deny the admission to the petitioners. If a candidate was lacking in any of the subjects specified in the additional conditions, the respondents could have been well justified to provide an opportunity to the aspirants to acquire it. Even otherwise, the facts suggest that the petitioners had cleared their examination in Hindi in October, 2017 itself, whereas their own admission to the Course was in September, 2017. In this way, they have not compromised on the additional condition, imposed by the State in its Notification. Otherwise also on equity, the petition deserves acceptance.

Consequently, while allowing the present petition, we direct that the admission granted to the petitioners under Court's order will not be disturbed and the same be regularized.

(MAHESH GROVER)

JUDGE

July 25, 2018

Gagan

(MAHABIR SINGH SINDHU)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>