

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 26989 of 2013

Date of Decision: 24.01.2018

Arjun Singh

...Petitioner

Vs.

Haryana School Teachers Selection Board

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jasbir Mor, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, AAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

If the case of the petitioner falls within the advertised qualifications for the post, namely, Senior Secondary (or its equivalent) with at least 50% marks and two year Diploma in Elementary Education (Special Education), he still does not make the grade as he has not passed his senior secondary examination with 50% marks in the aggregate. In case petitioner's case falls in the next prescribed qualifications, the previous and the following both separated by the word 'or' still he fails to make it, as what is prescribed as an alternative is possessing qualifications of BA, B.Sc. B.Ed. and two year Diploma in Elementary Education because he does not possess the Diploma in Elementary Education, the petitioner has qualified one year diploma in Bachelor of Education (Special Education Mental Retardation) qualification from Maharishi Dayanand University, Rohtak.

The rejection of the candidature of the petitioner by the order dated 17.11.2017/01.12.2017 passed by the Secretary, Haryana Staff Selection Commission, Panchkula rejecting the candidature has been justified on the ground that the candidate/petitioner does not possess the qualification as mentioned in the advertisement for the post of Primary Teacher (PRT).

The petitioner possesses only the one year degree in Bachelor of Education (Special Education Mental Retardation) instead of requisite two year Diploma in Education (Special Education). The next reason is obvious that the petitioner has scored 49.8% marks at the Senior Secondary level. Accordingly, the view expressed by the Commission cannot be faulted when the petitioner does not fulfill the eligibility criteria.

There is another reason why the argument of learned counsel for the petitioner should not be accepted is that what he argues orally is not pleaded in the petition and worse still there is no specific prayer in this regard or challenge to the advertised qualifications.

Assuming *arguendo*, if the contention of the petitioner is accepted, it will affect the entire selection as the criteria would get upset shifting from the advertised qualifications, which is not permissible. There is sufficient weight of opinion of this Court that the terms of the advertisement in recruitments and appointments cannot be departed from.

The last argument of learned counsel is based on Note 2 in the advertisement on recognition of diplomas or degrees that in case of Diploma in Education (Special Education) and B.Ed. (Special Education) courses recognized by the Rehabilitation Council of India only shall be considered and the petitioner possess one such. This also does not answer the prescription of the advertised qualifications or detracts from whether the diploma required is of one year or two year duration. From hardly any angle could the petitioner have a case for interference in the selection process. In 12th class he has scored less than 50% marks and in the professional qualification he has not in possession a course of 2 years duration. The criteria was universal and all aspirants tested on it uniformly.

As a result of the above discussion, I find no merit in the petition and order it to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

24.01.2018

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Whether speaking/reasoned : *Yes*

Whether reportable : *No*