

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

CWP 1802/2018

Date of decision:07.05.2018.

Malkeet Kaur

.....Petitioner

v.

The State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Harbans Lal Sharma,Advocate for the petitioner.

Jaswant Singh,J,(Oral).

The petitioner was selected and appointed as ETT Teacher vide appointment letter dated 29.06.2006 by the Zila Parishad,Patiala for appointment in the elementary schools operated by the Zila Parishad. The educational qualifications were prescribed under the Punjab Panchayat Raj Primary Teachers (Recruitment and Conditions of Service)Rules 2006. Concededly one of the essential qualifications for appointment was an ETT Course or its equivalent. The services of the petitioner were terminated vide impugned order dated 5.2.2007(P-4) on the ground that the ETT certificate obtained by the petitioner from Bhartiya Siksha Parishad, Uttar Pradesh was not a recognised institute in the list of Universities/Institutes recognised by UGC.

Petitioner has filed the present writ petition after a delay of more than 11 years of passing of the impugned termination order dated 5.2.2007 (P-4) on the ground that the termination was bad as similarly situated candidates have been offered appointment/re-appointment vide

letter dated 12.8.2008 (P-7) and 9.5.2011 (P-8).

After scrutinizing the arguments advanced by the counsel for the petitioner and pleadings, this Court find that the present petition is totally devoid of merits for the following reasons:-

- i) It is not disputed that the petitioner has obtained her 2 year ETT certificate for the session 1995-97 from Bhartiya Siksha Parishad, Uttar Pradesh, Lucknow. No material has been placed on record to show that the said institute was granted approval by the Distance Education Council, the regulatory body or the UGC for imparting education through distance education mode for the session 1995-97. Further no documents have been placed on record to show that the said institute is on the list of institutes recognised by the National Council for Teacher Education for the session petitioner had undertaken the said course.
- ii) The claim set up after 11 years would be barred by law of limitation apart from suffering from the principle of laches.
- iii) It is conceded that that even in the inquiry report (P-6) relied upon by the petitioner it has been recorded that the matter of recognition by the National Council for Teacher Education is subject matter of adjudication in the writ petitions pending before the High Court of Allahabad, Lucknow Bench, which to date have not been decided. It is to be acknowledged that even if the finding of recognition is in favour of the Institute even then the lack of recognition by the Distance Education Council for the session in question for imparting educational certificate through distance education mode would be fatal.
- iv) Reliance on the appointment letters (P-7) and (P-8) would not come to the support of the petitioner as it cannot be inferred from the said

documents that as to in which year/session the candidates therein had obtained certificate through Distance Education Mode. That apart a wrong precedent cannot be a ground for invoking the principle of invidious discrimination and no mandamus can be issued to perpetuate a wrong. Still further appointment letters P-7 and P-8 were issued way back in the year 2008 and 2011 and the petitioner is raising the plea in the year 2018.

In view of the above,finding no merit in this petition the same is hereby dismissed.

07.05.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No