

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

**CWP 18499/2018 (O&M)  
Date of decision: 19.12.2018**

Gagandeep Kaur and another

.....Petitioners

v.

State of Punjab and others

.....Respondents

**Coram: Hon'ble Mr. Justice Jaswant Singh**

**Present:-** Ms. Alka Chatrath, Advocate for the petitioners

Mr. Navdeep Chhabra, DAG Punjab assisted by  
Mr. Baljinder Singh, Asstt. Director DPI(SE) Punjab

**Jaswant Singh, J., (Oral).**

This common order shall dispose of \*four writ petitions, as detailed in the foot note of this order, since they involve similar facts and identical issues.

Petitioners in all the above petitions are serving in the cadre of ETT/JBT Teachers. They have acquired Post Graduate Degrees in English and also B.Ed. Degrees with English as one of the teaching subjects i.e. M.A.(English) and B.Ed. with English as a subject. The posts of English Masters/Mistresses have been encadred for the first time by promulgation of new Rules known as Punjab Education (Teaching Cadre) Group-C Service Rules, 2018 notified on 1.6.2018 governing the posts of Masters/Mistresses in all streams including the subject of English. It is conceded position that as per the prescribed qualifications as specified in Appendix B to Rule 6 of 2018 Rules for the post of English Masters/Mistresses, *inter alia* possession

of English as an Elective subject in the Graduation degree is one of the essential conditions. The relevant extract is reproduced herebelow:-

|                         |        |                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| English Master/Mistress | 75.00% | 25.00% by way of promotion out of which (i) 24% from amongst eligible Primary Teachers (irrespective of whatever nomenclature they are conferred); and (ii) 1% from other Category of teachers | (i) Should have passed Graduation at least with 55% marks from a recognized university or institution and should have studied English as an elective subject for three years of Graduation; and (ii) should have passed B.Ed. from a recognized university or institution with English as one of the teaching subject as per guidelines of the University Grants Commission. | (i)Should passed Graduation from a recognized university or institution and should have studied English as an elective subject for three years of Graduation; and (ii) Should have passed B.Ed. from a recognized university or institution with English as one of the teaching subject as per guidelines of the University Grants Commission and who have in experience of working a teacher on regular basis for a minimum period of five years. |
|-------------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The grievance of the petitioners is that they are being denied promotion on the basis that they do not possess a Graduation degree with English as one of the elective subject whereas they are liable to be treated as eligible in view of they possessing a Post Graduate degree in English i.e. a Degree higher in line of same subject in view of a Full Bench decision of this Court in **Manjit Singh v State of Punjab, 2011(1)PLR 656**. They claim that except the aforesaid they possess the remaining prescribed qualification.

Upon notice, respondents have filed an affidavit dated 2.11.2018 of Sh.Krishan Kumar, Secretary to Govt. of Punjab, Department of School Education, Punjab. Para 3 of the said affidavit reads as under:-

*“3. That in this regard, it is respectfully submitted that in order to determine the equivalency of qualifications prescribed for the post of English Masters/Mistresses, a meeting of expert teaching professionals was got conducted by the Deponent on*

*31.8.2018. In the said meeting, after due deliberations, it was decided that as MA(English) is a higher qualification than Elective or Functional English at graduation level, therefore, M.A.(English) may be considered equivalent to Elective English at graduation level. However, it was observed that teaching of English in B.Ed. is a specialized subject focusing on inculcating skills in a candidate for tutoring students at the school level. Therefore, M.A.(English) can not be considered equivalent to teaching of English in B.Ed. It was further observed that teaching of English involves specialization in Teaching methodology of English and is subject specific as compared to teaching in any subject in B.Ed. Therefore, teaching of any other subject in B.Ed. may not be considered as teaching of English in B.Ed. The Deponent has perused the said advice of expert committee and do not find any reason to deviate from the said expert advice. Hence, the deponent is in agreement with the advice of expert committee. A copy of minutes of the said committee is being annexed hereto as Annexure R-1 for the kind perusal of this Hon'ble Court."*

In view of the above, the issue stands settled and the petitioners have to be treated as eligible provided they also possess the qualification of B.Ed. degree with English as one of the subject and possess minimum experience of 5 years.

Keeping in view the aforesaid report, the present writ petitions are **disposed of** with the **directions** to the respondents to treat the petitioners as eligible for consideration for promotion, to the post of English Masters/ Mistresses w.e.f. the date their juniors have been promoted i.e. 13.7.2018 with notional benefits, provided they possess five years of teaching experience as a Teacher as also possess B.Ed. with English as a

subject

The needful shall be done within three months from receipt of copy of this order failing which the respondents shall be liable to be hauled up in contempt proceedings.

19.12.2018  
joshi

(Jaswant Singh)  
Judge

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |

- \*1. CWP 18499/2018 (Gagandeep Kaur and anr v State of Punjab and others.
- 2. CWP 16601/2018 (Kuldeep Singh and ors v State of Punjab and others)
- 3.CWP 23060/2018 (Pooja v State of Punjab and others)
- 4. CWP 28413/2018 (Rakesh Kumar and others v State of Punjab and others)