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

**Date of decision: July 04, 2018
CWP No.26328 of 2014 (O&M)**

Renu

.....Petitioner

Versus

State of Haryana and others

....Respondents

CWP No.14094 of 2015 (O&M)

Naveen Lohan and another

.....Petitioners

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. D.R. Bansal, Advocate
for the petitioners (in both the petitions).

Ms. Tanisha Peshawaria, DAG Haryana.

Mr. Jagbir Malik, Advocate
for respondents No.4 to 9 (in CWP No.26328 of 2014).

A.B. CHAUDHARI, J

By way of this common order, above said both the writ
petitions are being disposed of.

In the present writ petitions, the petitioners have sought relief
that the subject of Biotechnology ought to have found place in the
advertisement No.4/2014, published on 08.09.2014 and advertisement
No.3/2015, published on 28.06.2015, by Haryana School Teachers

Selection Board, Panchkula (for short 'HSTSB, Panchkula'), in respect of Category No.3-310 posts of TGT Science and Category No.1-895 posts of TGT Science, respectively.

As the question to be considered in both these writ petitions is same, the facts are being extracted from CWP No.26328 of 2014.

Heard learned counsel for the rival parties.

The only contention raised by the learned counsel for the petitioners is that Biotechnology is a Science subject and ought to have been included in the list of subjects mentioned in case of B.Sc. graduate for applications to 310 posts of TGT Science. The submission is that Biotechnology is a Science subject and HSTSB, Panchkula as well as Haryana School Education (Group 'C') State Cadre Service Rules, 2012 (for short 'Rules, 2012') ought to have provided the said subject for Science teacher. Hence, writ in the nature of mandamus is sought to the said effect. Learned counsel for the petitioners contended that the petitioners have the subject of Biotechnology, but since there is no mention about it in the Rules, 2012 as well as in the advertisements (supra), the petitioners have been deprived of competing in the selection process for the posts of TGT Science, which is arbitrary, unfair and without any good reason.

Per contra, learned counsel for the respondents have vehemently opposed the petitions and have invited our attention to the written statement to the petition that was filed. Learned counsel have contended that the posts of TGT Science teachers advertised was for

Science teachers for teaching at the School level and not at the University or the College level. According to the respondents, subject of Biotechnology has not been found to be the part and parcel of the subject of Science to be taught at the School level. The distinction and the details about Biotechnology have been demonstrated in the written statement. Learned counsel for the respondents have also submitted that the Court or Tribunal is devoid of power to issue any direction as sought for and relied on the decisions in the case of **Commissioner, Corporation of Madras versus Madras Corporation Teachers' Mandram**, 1997 AIR (SC) 2131 and **V.K. Sood versus Secretary, Civil Aviation**, 1993 AIR (SC) 2285. They, therefore, prayed for dismissal of both these writ petitions.

We have heard learned counsel for the rival parties for quite sometime. We have perused the relevant Rules as well as the advertisements. It is not in dispute that the advertisement that were issued were by the HSTSB, Panchkula. The posts to be filled in Category No.3, with which we are concerned, are 310 posts of TGT Science. Educational Qualification mentioned at Sr. No.(ii) in the said Category in advertisement No.4/2014, published on 08.09.2014, reads thus:-

“

- ii. *In case of B.Sc. a combination of at least three subjects out of the following:*
(1) Physics (2) Chemistry (3) Botany (4) Zoology (5) Mathematics.”

It is seen from the above that the Science subjects numbering 5 have been mentioned in the said category for B.Sc. graduate that the

candidates should be B.Sc. atleast in 3 subjects out of 5 mentioned above.

The contention that Biotechnology subject should also have been included in addition to those 5 subjects, does not impression us for reasons more than one.

In the first place, we find that there is appointment to the posts of TGT Science teachers at the School level. Teaching of Science subject at the School level involves aforesaid 5 subjects quoted above and not subject of Biotechnology as contended by the learned counsel for the petitioners. That apart, it is then seen that never before, the inclusion of subject of Biotechnology was in existence in respect of selection for the post of teaching in the School. This is evident from the following portion from the written statement filed by the respondents:

“.....The petitioner has not studied the subject-Physics and inclusion of Bio-Technology as part in educational qualifications for this post i.e. TGT (Science) does not fulfill the statutory educational qualifications. Regarding the contentions of the petitioner for not providing subject Bio-Technology as one of the subject as qualification for the post of TGT Science : it is submitted that even in the erstwhile 'Haryana State Education School Cadre (Group-C) Service Rules, 1998', a candidate was required to have passed two subjects, out of the four subject i.e. Physics, Chemistry, Botany and Zoology and nowhere the subject Bio-Technology was in existence.....”

In so far as the subject of Biotechnology is concerned, there is a demonstration about the said subject, in Para-4 of the written statement,

which we quote hereunder:-

“4. That the Bio-Technology is the use of living system and organisms to develop or make useful products, or any technological application that uses biological systems, living organisms or derivatives thereof, to make or modify products or processes for specific use. The wide concept of “biotech” or “biotechnology” encompasses a wide range of procedures for modifying living organisms according to human purposes, going back to demonstration of animals, cultivation of plants and “improvements” to these through breeding programs that employ artificial selection and hybridization. Biotechnology is the research and development in the laboratory using bioinformatics for exploration, extraction, exploitation and production from any living organisms and any source of biomass by means of biochemical engineering where high value-added products could be planned (reproduced by biosynthesis, for example), forecasted, formulated, developed, manufactured and marketed for the purpose of sustainable operations and gaining durable patents rights. Biotechnology has applications in four major industrial areas, including health care (medical), crop production and agriculture, non food (industrial) uses of crops and other products (e.g. biodegradable products, vegetable oil, bio-fuels), and environmental uses, therefore, subject Bio-Technology is a part of subject-Biology which has already been included in the Haryana School Education (Group-C) State Cadre Service Rules, 2012. Moreover, this Hon'ble Court has also considered Bio-Technology as a part or equivalent to Biology while deciding CWP No.13125 of 2012, titled as Babli vs State of Hayrana & others, decided on 04.01.2012.”

Looking to the said explanation regarding the subject of

Biotechnology, we are satisfied that it was not necessary to insert the subject of Biotechnology along with aforesaid 5 subjects for a Science teacher who is supposed to teach Science subject in a School. At any rate, it is seen that the subject of Biotechnology deals with a specialised scientific aspect, which does not have any relevant for teaching Science subject in the School. As stated earlier, the same may have relevance for teaching of Science at the level above the Schools, i.e. University or College. We, therefore, find that no fault can be found out with the respondents in not including the subject of Biotechnology in addition to 5 subjects mentioned above. It is not necessary to deal with the aspect of the power of the Court on the basis of judgments relied upon by the counsel for the respondents. In the result, we make the following order:-

ORDER

- (i) CWP No.26328 of 2014 and CWP No.14094 of 2015 stand dismissed;
- (ii) Interim orders, if any, stand vacated.
- (iii) No order as to costs.

(A.B. CHAUDHARI)
JUDGE

(KULDIP SINGH)
JUDGE

July 04, 2018

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No