

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.7369 of 2016

Date of decision: 1.5.2018

Sukhjinder Singh and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms.Jashandeep Kaur, Ms.Vanita Jain and Mr.K.K.Gupta,
Advocates for the petitioner(s).

Mr. Harish Rathee, Sr.DAG Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

This order will dispose of the above-mentioned writ petition as well as other connected writ petitions* tabulated at the foot of the order (totalling 9 writ petitions), as common questions of law and fact are involved in them, which can conveniently be decided by a common order.

Haryana State Education School Cadre (Group C) Service Commencement Rules, 1998 have been repealed and replaced by the Haryana School Education (Group C) State Cadre Service Rules, 2012 (for short 'the Rules 2012') for the post of Trained Graduate Teachers (TGT) Punjabi. By way of direct recruitment, new Rules prescribe the following qualifications:

“(i) B.A. with at least 50% marks in Punjabi as an elective subject and 2-year Diploma in Elementary Education; OR

B.A. With atleast 50% marks as well as in Punjabi as an elective subject and 1-year Bachelor in Education (B.Ed.); OR

B.A. With atleast 45% marks as well as 50% marks in Punjabi as an elective subject and 1-year Bachelor in Education (B.Ed.) in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard; OR

Senior Secondary (or its equivalent) with atleast 50% marks and 4 year Bachelor in Elementary Education (B.El.Ed.); OR

Senior Secondary (or its equivalent) with at least 50% marks and 4 year BA Ed; OR

B.A. with at least 50% marks as well in Punjabi as an elective subject and 1-year B.Ed. (Special Education); AND

(ii) In case of B.Ed., Punjabi as teaching subject from a recognised university;

(iii) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET);

(iv) Matric with Hindi/Sanskrit or 10+2/B.A./M.A. With Hindi as one of the subject.”

Admittedly, the petitioners do not possess the qualification prescribed in the rule of recruitment. Their argument is that under the old Rules, they possess the qualification of Giani Gurmukh Script LTC/OT for Punjabi conducted by the Haryana Education Department for an equivalent qualification recognised by the Haryana Education Department. That would not help the petitioners as they do not possess the degree of B.Ed nor any of the combinations prescribed in the Rules 2012. This Court cannot make departure from the prescribed Rules on the asking of the petitioners. Therefore, they have no right to claim the post of TGT automatically in direct recruitment. Learned counsel submits that the Rules 2012 are under challenge before the Division Bench of this Court, the particulars of which case have not been advertised. Thus, the decision of the petition will not deprive the petitioners from approaching the appropriate Bench in case challenge is made. With these concluding remarks, the petition is dismissed.

[RAJIV NARAIN RAINA]

JUDGE

1.5.2018

Sr. No.	Case No.	Parties Name
1	CWP No. 11650 of 2016	Daljit Singh and others Vs. State of Haryana and others
2	CWP No. 8198 of 2016	Rakesh Kumar Vs. State of Haryana and others
3	CWP No. 8064 of 2016	Subhash Chand and others vs. State of Haryana and others
4	CWP No. 14339 of 2016	Manjit Singh and others Vs. State of Haryana and others
5	CWP No. 14409 of 2016	Sukhvinder Singh and others Vs. State of Haryana and others
6	CWP No. 15764 of 2016	Bakhshish Singh and others Vs. State of Haryana and others
7	CWP No. 25705 of 2017	Sukhjinder Singh and others Vs. State of Haryana and others
8	CWP No. 12528 of 2016	Hira Rani and others Vs. State of Haryana and others

[RAJIV NARAIN RAINA]
JUDGE

1.5.2018
Meenu

Whether speaking/reasoned : *Yes/No*
Whether Reportable : *Yes/No*