

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

CWP-14592-2019 (O&M)

Date of Decision: November 27, 2019

Balraj Singh and others

... Petitioners

Versus

State of Punjab and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHARMA**

**Present: Mr. D.S. Patwalia, Sr. Advocate with
Mr. Kannan Malik, Advocate,
for the petitioners.**

Ms. Monika Chhibbar Sharma, Sr. DAG, Punjab.

Mr. R.K. Malik, Sr. Advocate with
Mr. D.S. Mann, Advocate,
for respondents no. 4 to 13.

Mr. Gurminder Singh, Sr. Advocate with
Mr. R.P.S. Bara, Advocate,
for respondents no. 14 to 22.

Ravi Shanker Jha, Chief Justice (Oral)

This petition is being filed by the petitioners challenging the constitutional validity of Appendix 'B' of the Punjab Educational Service (School & Inspection General Cadre) Group A Service Rules, 2018 (Annexure P-7) and Punjab Educational Service (School & Inspection Border Area) Group A Service Rules, 2018 (Annexure P-8). The Rules have been challenged in view of the proceedings for direct recruitment undertaken by the respondents

for appointment on the post of Deputy District Education Officer/Principal, Government Senior Secondary Schools in the State of Punjab.

The main ground of challenge is the provisions of the Rules which permits appointment of candidates, who do not possess B.Ed. degree or qualifications, though such qualifications have been made mandatory for appointment on the post of Teacher by the NCTE Act, Regulations framed thereunder and the Right to Education Act.

In view of the submissions made by the learned senior counsel for the petitioners, the State of Punjab was directed to file an affidavit indicating the number of candidates that are being short-listed by them, who did not possess a B.Ed. degree. An affidavit, duly attested, as directed, has been filed in Court today to the following effect:-

“Additional affidavit of Karamjit Singh, Deputy Director, Education Recruitment Directorate, Education Department, Punjab, SAS Nagar, Mohali for and on behalf of Respondents No.1 to 3.

Respectfully Showeth:-

I, the above named deponent do hereby solemnly affirm and declare as under:-

- 1. That the present writ petition is pending consideration before this Hon’ble Court and is fixed for hearing on 27.11.2019.*
- 2. That previously the present petition came up for hearing on 26.11.2019 and specific query was raised by this Hon’ble Court, as to whether there are any candidates without the qualification of B.Ed. in the final select list.*
- 3. That in response to the query, after due deliberation with Punjab Public Service Commission, Patiala, which is the recruiting agency, the answering deponent has got final select list at Annexure R/1, which has been received through email*

from the office of Punjab Public Service Commission, Patiala the recruiting agency. A Perusal of Annexure R/1 reflects, 430 eligible candidates who were interviewed and shortlisted. In the said list, none of the candidates have been shown to be without B.Ed Degree by the Punjab Public Service Commission, Patiala, the Recruiting Agency. However, it is worth to mention here that one candidate namely Sh. Amritpal Singh s/o Kuldeep Singh, whose name is mentioned at Sr. No. 420 in the said list is having B.PEd Degree, but the same has been considered equivalent to B.Ed by the Commission.

4. That it is further respectfully submitted that out of the present 12 Petitioners as per the information received from the office of the Punjab Public Service Commission, Patiala, only the following petitioners had applied for the post of Principals and they were allotted Roll numbers mentioned against their names:-

<i>Petitioner No.</i>	<i>Name of the Petitioner</i>	<i>Allotted Roll No.</i>
2	Mukhtair Singh s/o Sh. Jarnail Singh	111922
3	Joginder Lal s/o Sh. Munshi Ram	113343
5	Sunil Sharma s/o Sh. Tarsem Lal Sharma	115516
6	Ashu Vishal s/o Sh. Hakumat Rai	110312
10	Balwinder Singh s/o Sh. Gurdev Singh	110421

5. That it is further respectfully submitted that the Punjab Public Service Commission vide its letter dated 28.8.2019 has also intimated that out of above five petitioners, only Petitioner No.5 namely Sh. Sunil Kumar was short-listed for interview, but he did not submit his application form in the office of the said Commission. Therefore, his eligibility was cancelled. It

has also been intimated that the remaining petitioners had not submitted their On-line applications for the post of Principals. In addition to it, in CWP No. 28892 of 2019 Petitioner Amandeep Singh s/o Hakam Singh applied for the post of Principal through Director Recruitment but does not find mention in the select list Annexure-R/1. However, he has himself admitted in the petition that his candidature was not considered by Commission.

Keeping in view the submissions made above, it is, therefore, prayed that the aforesaid information may kindly be taken on the record of this Hon'ble Court and may pass appropriate directions/order as this Hon'ble Court may deem proper in the circumstances of the matter."

In view of the aforesaid affidavit which is directed to be taken on record as Document C-I, it is evident that all the candidates that has been short-listed, possessed B.Ed. degrees. In the circumstances, the issue raised by the petitioners regarding appointment, selection and the recruitment of candidates, who do not possess B.Ed. degree, has been rendered academic in the facts and circumstances of the case. Apart from the fact, it is also undisputed that none of the petitioners were candidates, who had applied for appointment or selection on the post is concerned.

In the circumstances, the petition filed by the petitioners is not required to be adjudicated on merits at this stage, as the issue regarding compulsory possession of the B.Ed. degree for appointment on the post of the Deputy District Education Officer/Principal is rendered academic at this stage.

The petition filed by the petitioners is accordingly disposed of,

leaving all the questions of law raised in this petition open for being adjudicated and decided at the appropriate stage.

(Ravi Shanker Jha)
Chief Justice

November 27, 2019
vkd

(Rajiv Sharma)
Judge

Whether speaking / reasoned : Yes / No
Whether reportable : Yes / No