

CWP-713-2020

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

**CWP-713-2020**

**Date of Decision: 28<sup>th</sup> February, 2020**

**Daljit Kaur and others**

...Petitioners

Versus

**State of Punjab & others**

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Ms. Pushpinder Kaur Minhas, Advocate  
for the petitioners.

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Petitioners have approached this Court with a grievance that at the time when the petitioners had joined service as primary teachers, the qualifications were governed by the Punjab State Education Class-III (Primary Schools Cadre) Service Rules, 1997 (hereinafter referred to as '1997 Rules'). In the said Rules, the eligibility for appointment to the post of Head Teacher was only limited to the extent of experience on a particular post, whereas with the coming into force of the Punjab State Elementary Education (Teaching Cadre) Group-C Service Rules, 2018 (Annexure P-2), the requirement with regard to the experience has been qualified by asserting that the said experience should have been acquired by a candidate after having obtained the educational/professional qualifications, which the counsel for the petitioner contends, is not sustainable in the light of the 1997 Rules, under which the petitioners should have been considered for appointment to the post of Head Teachers as they had acquired the requisite

experience under the said Rules.

This contention of the learned counsel for the petitioners is not acceptable as with the notification of the Punjab School Elementary Education (Teaching Cadre) Group-C Service Rules 2018, on 21.05.2018 (Annexure P-2), the Punjab State Education Class-III (Primary School Cadre) Service Rules 1997, cease to operate as per Rule 13 thereof, which repealed the said Rules. The advertisement has been issued on 08.03.2019 (Annexure P-3) and the statutory rules governing the service, as prevalent on the date of advertisement, would hold the field. A candidate who does not possess the requisite qualification whether educational, professional or the criteria for seniority, cannot be said to be eligible for consideration for appointment to the post of Head Teacher. Admittedly, petitioners do have the minimum educational qualifications for appointment to the post of Head Teacher but after having obtained the said qualification, they do not have the requisite experience as per the statutory rules. The petitioners, therefore, are not eligible for consideration for appointment and the rejection of the claim of the petitioner is fully justified.

An argument has been raised by the learned counsel for the petitioner that as per the merit list, which has been prepared on the basis of the educational/professional qualifications, petitioners are higher in merit than the persons, who have been shown to have been selected as Head Teachers. This, the counsel states, is not sustainable as the petitioners are having more merit than the candidates, who have been selected. This contention of the learned counsel for the petitioners cannot be accepted, as merely merit does not count for selection, it is the ultimate consideration on

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the basis of the statutory rules, which would determine the eligibility of the candidate for appointment. Since the petitioners do not possess the minimum requisite experience for the post of Head Teacher after having acquired the educational/professional qualifications, as mandated under the Rules, they may be higher in merit but cannot be appointed to the said post. The petitioners have no right for consideration for appointment to the post as they do not possess the minimum requisite qualifications for appointment to the said post.

The present writ petition is misconceived and therefore, the same stands dismissed.

28<sup>th</sup> February, 2020  
*Nisha*

(AUGUSTINE GEORGE MASIH)  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |