

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

CWP No. 7606 of 2020
Date of Decision: 01.06.2020

JAGTAR SINGH

...Petitioner

VS.

STATE OF PUNJAB AND OTHERS

....*Respondents*

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA.

Present: - Mr. Deepak Gupta, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (Oral)

Case taken up through Video Conferencing.

The petitioner is an Ex-Serviceman. He was appointed as Primary Teacher in the year 2016. He did Elementary Teacher Training Course in the year 2005 and completed his Graduation (B.A) in the year 2016 with 47.45% marks. The petitioner also did Post Graduation in Political Science in the year 2019 with 62.43% marks.

The Punjab Public Service Commission (for short “the Commission”) vide Advertisement No.06 of 2020, invited applications to fill up 75 posts of Block Primary Education Officer (BPEO) in the Department of School Education Punjab. The minimum qualification to apply for the said posts was Bachelor’s Degree with minimum 50% marks from the recognized University.

Counsel for the petitioner has submitted that the petitioner was appointed as primary teacher in September, 2016 and his service was governed by the Punjab State Education Class III (Primary Schools Cadre) Service Rules, 1997 (for short “the Rules of 1997”) and at that time, there was no such requirement of 50% marks in Bachelor’s Degree, therefore, the petitioner was fully eligible but by virtue of an amendment brought in the Rules of 1997 vide notification dated 08.08.2018 amended as to the Punjab State Elementary Education (Administrative Cadre) Group ‘B’ Service Rules, 2018 (for short “the Rules of 2018”) in which condition of 50% marks in the Bachelor’s Degree has been made an essential requirement.

Counsel for the petitioner has submitted that the petitioner cannot now improve his percentage in his Bachelor’s Degree and the post offered by the Department should be governed by the Rules of 1997 because the petitioner had joined as primary teacher in September 2016 when the Rules of 1997 were in vogue.

We have heard counsel for the petitioner and perused the record with their able assistance.

The argument raised by counsel for the petitioner is totally misconceived because the Rules of 1997 were amended by the Rules of 2018 much before the posts of Block Primary Education Officer (BPEO) in the Department of School Education Punjab were advertised through the Commission in March, 2020. The Rules of 1997 are inconsequential after the amendment in the Rules of 2018 which have to be followed.

No other substantial argument has been raised which deserves to be noticed. In view of the aforesaid facts and circumstances, we do not find

any merit in this petition and the same is hereby dismissed though without any order as to costs.

[RAKESH KUMAR JAIN]
JUDGE

June 1, 2020
Ess Kay

[ASHOK KUMAR VERMA]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>