

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

CWP No. 10461-2020

Date of Decision: 23.07.2020

Narender Kumar

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R.N. Lohan, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks a writ in the nature of '*mandamus*', directing the respondents to appoint the petitioner to the post of 'PGT Biology', with all consequential benefits, with effect from the date the candidates lower in merit were appointed.

Learned counsel for the petitioner relies upon a judgment of a Division Bench of this court in a bunch of writ petitions, decided on December 04, 2012, the lead case being **Babli** vs. **State of Haryana and others** (CWP No. 13125 of 2012).

He submits that the petitioners in those petitions had obtained Post Graduate degrees in various subjects, which are included in the term 'life sciences', which is a qualification that is included in the rules, on the basis of which a person can be considered for appointment as a Post Graduate Teacher.

In the present case, he submits that the petitioner has obtained a degree of MSC in Coastal Aquaculture and Marine Bio Technology.

He next submits that in fact the respondent-Staff Selection Commission had in fact recommended the petitioner for appointment, as per his merit, to respondent no. 2, i.e. the Director General Secondary Education, Haryana, but with the said authority not accepting the candidature of the petitioner, on the ground that he does not possess the necessary qualifications.

In respect of his grievance, the petitioner is stated to have got issued a legal notice issued to respondent no. 2, a copy of which has been annexed as Annexure P-10 with the petition, and is seen to be dated 13.02.2020.

Learned counsel further submits that the petitioner, at this stage, would be satisfied if a direction is given to the competent authority amongst the respondents to take a decision on the aforesaid legal notice, after taking into consideration the judgment of the Division Bench of this court aforesaid, and other judgments on the subject, which the petitioner would produce before such competent authority.

He also refers to an order issued by the Deputy Registrar of the Andhra University on 23.05.2020 (copy Annexure P-11), stating to the effect that the qualification that the petitioner has obtained is equivalent to MSC Life Science and consequently, a person possessing it would be eligible for being appointed as a Post Graduate Teacher in Biology.

Consequently, this petition is disposed of with a direction to the competent authority amongst the respondents to take a decision on the aforesaid legal notice got issued by the petitioner, within a period of two months from today, after hearing the petitioner and taking into consideration the judgment of the Division Bench of this court (and other judgments on the issue), as also the 'orders'

passed by the Andhra University.

If, despite the the above, the opinion of the competent authority is that the petitioner is not eligible for such appointment, detailed reasons shall be given in the order to be passed, as to why, when MSC Life Science is one of the qualifications prescribed in the statutory rules for eligibility to such appointment, the petitioner cannot be considered eligible with the qualification that he has, which at least in the *prime facie* opinion of this court, at this stage, (without going into the detailed merits thereof), would also seem to be covered by the term “Life Sciences”.

July 23, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes