

CWP No.398 of 2015

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

**CWP No.398 of 2015**

**Date of Decision: 10<sup>th</sup> February, 2020**

**Shilpi Prashar**

...Petitioner

Versus

**State of Punjab & others**

...Respondents

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

Present: Ms. Alka Chatrath, Advocate,  
for the petitioner.

Ms. Devaki Anand Sullar, Asstt. A.G., Punjab.

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

Petitioner has approached this Court with a grievance that despite she being at Sr. No.148 in the merit list and having secured 64.6625 marks in pursuance to the advertisement dated 01.10.2013 (Annexure P-2), she has not been considered eligible for appointment to the post of Science Mistress only on the ground that she does not possess the combination of two subjects in graduation degree out of four subjects in B.Sc. as per the advertisement.

Counsel for the petitioner contends that the petitioner has passed her graduation with Chemistry, Food Science & Quality Control and Microbiology as subjects apart from the other languages/compulsory subjects. Assertion has been made that Microbiology forms a part of

Zoology and therefore, it cannot be said that the petitioner is not eligible for consideration for appointment as she possesses the degree of B.Sc. It is asserted that the petitioner could not have been denied the appointment to the post of Science Mistress merely because the word Zoology is not mentioned in the degree, which has been obtained by the petitioner. In this regard, she has referred to the Detailed Mark Sheet dated 01.07.2008 (Annexure P-1/2). She places reliance upon the Punjab Educational (Teaching Cadre) Group-C Service Rules, 2018, which were notified on 21.05.2018, for the post of Science Master/Mistress (Medical), wherein it was specified that the qualification of B.Sc. includes Microbiology as well, as a subject. Since the petitioner has qualification of B.Sc. degree ; with Chemistry and Microbiology subjects followed by Post Graduation M.Sc. (Microbiology), she would be eligible for appointment to the post of Science Mistress.

I have considered the submissions made by the learned counsel for the petitioner but find myself not in agreement with the said contention.

As per the advertisement dated 01.10.2013 (Annexure P-2), petitioner, who had applied for the post of Science Mistress, was required to possess the educational and professional qualifications as specified therein. The relevant educational qualification for the subject for which the petitioner had applied i.e. Science Mistress, were provided in Column 4 (b), which reads as follows:-

“4) Educational & Professional Qualifications:-

(b) Subject-wise Teachers

| Subject | Educational Qualification                                                                                                                                                                       |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| XXX     | XXX                                                                                                                                                                                             |
| Science | B.Sc. with B.T. or B.Ed. Senior Basic Trained with any two of the four subjects in B.Sc. namely, Physics, Chemistry, Botany and Zoology (Punjab State Teacher Eligibility Test Paper II passed) |

Perusal of the above qualifications as specified would indicate that a candidate, who wanted to apply for the post of Science Mistress/Master, was required to possess a B.Sc. degree with any two of the four subjects as detailed therein i.e. Physics, Chemistry, Botany and Zoology. Admittedly, petitioner possesses one of the subjects i.e. Chemistry but do not possess Zoology as a subject in B.Sc., a graduation level degree. Rather she has studied a branch of Zoology i.e. Microbiology as one of the subjects and therefore, it cannot be said the petitioner possesses the requisite qualification as advertised for the post of Science Mistress. As the petitioner does not possess the requisite qualification as per the advertisement which covers the field, she cannot be said to be eligible for appointment to the post of Science Mistress.

The subsequent rules of the year 2018, which have come into force, cannot be invoked for appointment, which has been taken place in pursuance to the advertisement, which has been issued in the year 2013, wherein the merit list was declared on 10.10.2014 (Annexure P-5).

CWP No.398 of 2015

In view of the above, finding no merit in the present writ petition, the same stands dismissed.

10<sup>th</sup> February, 2020  
*Harish*

(AUGUSTINE GEORGE MASIH)  
JUDGE

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