IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6950 of 2016
Date of Decision: 03.03.2020

Rajinder Singh ....Petitioner

Versus

The State of Haryana and others ...Respondents

CORAM: HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Jagbir Malik, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner, who is serving as JBT Teacher under the Haryana Education Department, is aggrieved of the action of the respondent authorities in denying to him promotion to the post of TGT Science.

The case projected on behalf of the petitioner is that he fulfills the eligibility criteria under the Haryana School Education (Group C) State Cadre Service Rules, 2012 (hereinafter referred to as '2012 Rules' for the purposes of consideration for promotion to the post of TGT Science and instead thereof he has been denied such benefit even though his juniors have been so promoted with effect from 18.03.2016.

In the written statement filed on behalf of respondents No.1 to 5, while admitting that juniors to the petitioner have been promoted to the post of TGT Science, a stand has been taken that the petitioner does not fulfill the eligibility criteria inasmuch as he has achieved less than 45% marks in B.Sc. whereas the benchmark was 45%.

Even though such stand has not been taken in the written statement, yet during the course of arguments learned State counsel has raised

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an additional objection by submitting that petitioner possesses a Diploma in Education whereas the requirement is a Diploma in Elementary Education.

Counsel for the parties have been heard and pleadings on record have been perused.

There is no dispute as regards the qualifications possessed by the petitioner. Petitioner who belongs to SC category is B.Sc. with 42.75% marks and possesses two years Diploma in Education. The relevant extract of Appendix B of 2012 Rules governing promotion to the post of TGT Science is reproduced as under:-

"1	**2**	**3**	**4**
3	TGT Science	(1) B.Sc. and 2-year Diploma in Elementary Education; OR B.Sc.with at least 50% marks and 1 year Bachelor in Education (B.Ed.); OR B.Sc.with at least 45% marks and 1 year Bachelor in Education (B.Ed.), in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard; OR Senior Secondary (or its equivalent) with at least 50% marks and 4 year Bachelor in Elementary Education (B.El.Ed.); OR Senior Secondary (or its equivalent) with at least 50% marks and 4 year B.Sc.Ed.; OR B.Sc. with at least 50% marks and 1 year B.Ed.	**By Promotion :-** (i) B.Sc. and 2-year Diploma in Elementary Education; OR B.Sc. with at least 50% marks and 1 year Bachelor in Education (B.Ed.); OR B.Sc.with at least 45% marks and 1 year Bachelor in Education (B.Ed.), in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard; OR Senior Secondary (or its equivalent) with at least 50% marks and 4 year Bachelor in Elementary Education (B.El.Ed.); OR Senior Secondary (or its equivalent) with at least 50% marks and 4 year B.Sc. Ed; OR B.Sc. with at least 50%

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		(Special Education); AND (ii) In case of B.Sc., a combination of at least three subjects out of the following:- (1) Physics (2) Chemistry (3) Botany (4) Zoology (5) Mathematics Note: In the case of Hons. Degree, in any of the above mentioned subjects, the candidate must have studied other two subjects in the first and second year of course. (iii) In case of B.Ed., Science as a teaching subject from a recognized university; (iv) Certificate of having qualified Haryana Teacher Eligibility Test (HTET) /School Teachers Eligibility Test (STET); (v) Matric with Hindi/ Sanskrit 10+2/B,A//M.A.with Hindi as one of the subject.	marks and 1 year B.Ed. (Special Education); AND (ii) In case of B.Sc., a combination of at least three subjects out of the following:- (1) Physics (2) Chemistry (3) Botany (4) Zoology (5) Mathematics Note: In the case of Hons. Degree, in any of the above mentioned subjects, the candidate must have studied other two subjects in the first and second year of course. (iii) In case of B.Ed., Science as a teaching subject from a recognized university; (iv) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/ School Teachers Eligibility Test (STET); (v) 3 years experience as Primary Teacher (PRT)/ Classical & Vernacular (C&V) Teacher.”

A bare reading of the Rule would make it clear that a candidate possessing B.Sc. and 2-year Diploma in Elementary Education or B.Sc. with at least 50% marks and 1-year Bachelor in Education (B.Ed.) would be eligible for being considered for promotion to the post of TGT Science apart from having 3 years experience as Primary Teacher (PRT)/Classical & Vernacular (C&V) Teacher.

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Petitioner possesses two years Diploma in Education.

A Coordinate Bench of this Court in **CWP-10054-2016** (***Mahesh Kumar v. State of Haryana and others***), decided on 23.04.2019 along with other connected matters has taken a view that two years Diploma in Education is equivalent to two years Diploma in Elementary Education.

It is the categoric assertion made by counsel for the petitioner that the judgment in ***Mahesh Kumar's case*** (supra) already stands implemented inasmuch as Mahesh Kumar as also the petitioners in the other connected cases have since been promoted to the post of TGT. By applying the dictum of *Mahesh Kumar* in the instant case, since the petitioner possesses two years Diploma in Education, which has been held to be equivalent to two years Diploma in Elementary Education, the only other requirement would be that of B.Sc. without insisting on any benchmark percentage. Petitioner concededly fulfills the experience criteria.

Since no specific order has been passed till date holding the petitioner to be ineligible for the purpose of promotion to the post of TGT Science even though having been denied such benefit to the petitioner and promoting his juniors with effect from 18.03.2016, I deem it appropriate to dispose of the writ petition with a direction to respondent No.2 to consider the claim of the petitioner for promotion as TGT Science with effect from the date his juniors have been promoted and to pass a final order expeditiously and in any case within a period of three months from the date of receipt of certified copy of the order.

Ordered accordingly.

03.03.2020 **(TEJINDER SINGH DHINDSA)**
dss **JUDGE**

Whether speaking/reasoned Yes
Whether reportable No

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