

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

LPA No.35 of 2021
Date of Decision:-2.9.2021

Vijay Pal

... Appellant

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. Vipin Pal Yadav, Advocate
for the appellant.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Appellant has filed this appeal against the order dated 4.8.2020
passed by learned Single Judge whereby CWP-8689-2020 filed by the
appellant was dismissed.

The brief facts of the case of the appellant are that he was
appointed as TGT Science Teacher on 15.7.1988 and he remained working

in different Government Schools of Haryana. He was promoted as Head-Master of Middle School and served as such at Government Middle School Dakora. In August, 2017 the appellant was promoted as Elementary School Headmaster (ESHM) and he joined as such in Government Middle School, Gujjarwas Block Nahar, Tehsil Kosli, District Rewari. He was going to retire on 31.7.2020, on attaining the age of superannuation. Throughout his entire service, the appellant worked diligently and with complete dedication, to improve the standard of education in the schools where he remained posted. Block Education Officer recommended his name for State Teacher Award for 2019. Even District Level Committee approved the said recommendation and sent name of the appellant to State Level Committee vide letter dated 14.8.2019 (Annexure P-3). The State Level Committee examined the said recommendation which was based on factual position. However, the State Level Committee arbitrarily reduced the marks of the appellant from 81 to 66, while recommending his case to the Government vide Annexure P-4. The appellant further alleged that due to aforesaid arbitrary and illegal act of State Level Committee, the appellant was deprived of the State Teacher Award for the year 2019. The name of the appellant was not there in the list of selected candidates (Annexure P-5). The appellant had invoked the writ jurisdiction of this Court laying challenge to Annexure P-5 and recommendation of State of Level Committee (Annexure P-4).

The claim of the appellant was refuted by the State in its short reply. The State had not denied the institution of the State Teacher Awards

and the employment and postings of the appellant in different Government Schools. It was also admitted that the names of the teachers are firstly recommended by Block Education Officers to the District Level Committees on the basis of their service record. The District Level Committees further recommend names of eligible teachers as per the fixed criteria to the State Level Committee, which finally recommend the names of the teacher for the said Awards. In its written reply the State took specific plea that 81 marks awarded to the appellant were reduced by the State Level Committee by 15 marks as the same were given in excess contrary to the State Policy. In the absence of valid School Beautification Certificate, 5 marks given by District Level Committee to the appellant were deducted by the State Level Committee. Even the 30 marks given by the District Level Committee to the appellant for interview were reduced to 20 marks by the State Level Committee, on the basis of assessment made by it. As per the State Award Criteria for Elementary School Headmaster/TGT/C&V Teachers total 25 marks can be awarded for interview by experts or Audio Video of one model lesson classroom teaching of at least 30 minutes by State Level Committee and 5 marks for contribution towards Teaching Learning Material used in the Model Lesson, hence, total 30 marks can only be awarded to a candidate who fulfills the above said criteria. The petitioner failed to fulfill this criteria, accordingly, State Level Committee allocated 20 marks to him as per his entitlement. As per the State no discrimination was committed against the appellant while granting him the aforesaid marks by the State Level Committee.

After hearing the counsel for the parties, the learned Single Judge dismissed the writ petition. Being not satisfied the appellant has filed the present appeal.

We have considered rival contentions addressed by both the parties.

The State Government formulated Policy (Annexure P-1) for grant of State Award to Teachers. We are of the view that the said policy would not vest in the appellant any enforceable right to claim State Teacher Award.

In the case in hand, the appellant was aggrieved as the marks awarded to him by the Committees upto District Level were reduced by 15 marks by the State Level Committee. As per the appellant, the said act of deduction in marks was arbitrary and illegal & he challenged the same by invoking the writ jurisdiction of this Court. However, the plea of the appellant was negated by the learned Single Judge by holding as follows:-

xxxxxx

“The certificate on the basis of which the petitioner has laid his claim being not valid, disentitles him to 5 marks. Rather as has sought to be projected by the State there is not an iota of evidence laid at the time of recommendation that the school of the petitioner had won first position award of Rs 50,000/- at Block level for School Beautification competition. More-so the assessment of teachers is to be made on the basis of interview by Experts or Audio Video of one model lesson for class room teaching and by virtue of which the State Level Committee necessitates that the

award criteria for Elementary Headmaster/TGT/C&V Teachers only 25 marks can be awarded for interview by the Experts. However, in the case of the petitioner he was awarded 30 marks against the laid norms. Counsel for the petitioner could not bring about any substantial material to cement his claim to this award. Apparently, the petitioner is only placing reliance on contingency bill to bring about his claim to this award and which does not satisfy the requirements. There is no convincing arguments brought about to the Court on behalf of the counsel for the petitioner that the petitioner qualifies for the grant of State Teacher Award for the year 2019. No fault could be pointed out emanating from the proceedings of the State Level Committee which could be a solace for the petitioner. There being no merit, the instant petition stands dismissed.”

We could not lose sight of the fact that the Courts have no necessary expertise in the field of education and allied matters. It is wise and safe for the Courts to leave the decision in such like matters to experts who are more familiar with the ground realities in the field of education. The Courts generally interfere in such like matters only if there is violation of any statute, statutory rules; *mala fide*, hidden motive to assist or enable gain to someone else. In the instant case the appellant failed to establish any such infraction or infringement. Also there are no such allegations that the marks awarded to the appellant were reduced by the State Level Committee to help some other teacher.

We are of the view that the learned Single Judge has considered all the aspects of the matter and has taken correct view, which does not

require any interference in the present appeal. Consequently, the appeal is hereby dismissed.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

02.09.2021
Gaurav Sorot

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No