

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 27570 of 2018

Date of Decision: March 29, 2022

Reena Bawa

..... Petitioner(s)

Versus

Haryana Staff Selection Commission

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Anil Kumar Sharma, Advocate
for the petitioner.

LISA GILL, J.

Prayer in this writ petition is for directing the respondent for allowing the petitioner in the selection process and thereby in the interview to be held on 29.10.2018.

Candidature of the petitioner has been rejected on the ground that he does not fulfill the statutory eligibility condition of not having Punjabi as an elective subject in B.A. Educational qualification prescribed for the posts of TGT Punjabi, which were advertised vide advertisement no.4/2016 dated 17.03.2016, at category no.1, read as under:-

- i. B.A. with at least 50% marks in Punjabi as an elective subject and 2 year Diploma in Elementary Education;

OR

B.A. with at least 50% marks as well as in Punjabi as an elective subject and 1 year Bachelor in Education (B.Ed.);

OR

B.A. with at least 45% marks as well as 50% marks in Punjabi as an elective subject and 1 year Bachelor in Education (B.Ed.), in accordance with 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 four year Bachelor in Elementary Education (B.El.Ed.)

OR

Senior Secondary (or its equivalent) with at least 50% marks and four year B.A.Ed;

OR

B.A. with at least 50% marks as well as in Punjabi as an elective subject and 1 year B.Ed. (Special Education);

- ii) In case of B.Ed., Punjabi as teaching subject from a recognized university.
- iii) Matric with Hindi/Sanskrit or 10+2/B.A./M.A. with Hindi as one of the subject.
- iv) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET) of respective subject for the post applied, conducted by Board of School Education Haryana, Bhiwani.

Petitioner, admittedly did not have Punjabi as an elective subject, though, she did have the same as a compulsory subject.

Learned counsel for the petitioner is unable to deny that this matter is squarely covered against the petitioner in terms of decision dated 02.02.2016 in CWP-3297-2012, which was upheld by the Division Bench on 15.07.2016 in LPA-693-2016, titled **Baljit Singh Vs. The Director General, School Education and State Project, Director, Rashtriya Madhyamik Shiksha, Abhiyan Authority.**

In the Baljit Singh's case (supra), the petitioner therein had applied for the post of TGT English and did not have English as an elective subject as required, even though it was one of the compulsory subjects. Writ petition filed by the said petitioner was dismissed while concluding that it is not open to the Court to substitute the specific statutory requirements and arrive at an opinion that having a discipline as a

compulsory subject would render it equivalent to an elective subject at degree level. Division Bench of this Court upheld the said decision on 15.07.2016, while reiterating that even though a candidate may have studied a particular subject as a compulsory subject, it would not fulfill the required qualification for the post in question, which required the same to be an elective subject. Argument that petitioner has higher qualification in Punjabi and is therefore entitled, is also devoid of merit and furthermore, higher qualification of Masters in Punjabi was secured by the petitioner in September, 2016, which was admittedly after the cut-off date for submission of online application forms i.e. 29.04.2016. Therefore, keeping in view the facts and circumstances as above, I do not find any merit in this writ petition.

No other argument has been addressed.

Writ petition is accordingly dismissed.

29.03.2022

Sunil

(Lisa Gill)
Judge

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No