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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5769-1997 (O&M)

Date of Decision:11.10.2023

SURINDER KAUR

.....Petitioner

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: None for the petitioner.

Mr. D.K. Singal, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. No one has put an appearance on behalf of the petitioner.
2. This case is of the year 1997. No interim order was passed in this case.
3. The petitioner by way of this petition has prayed for quashing of the advertisement issued by the respondents alleging it to be in contravention to the Punjab Educational Service, Class III, School Cadre Rules, 1978 (hereinafter referred to as (“the Rules of 1978”) and further to allow the petitioner to join as Mistress in Hindi at Government Middle School, Golawala, District Bhatinda.
4. The respondents have filed their reply wherein it is stated that the petitioner does not fulfill the requisite and additional qualification of Bachelor of Arts (B.A.) with Hindi as an elected subject as mentioned in the advertisement dated 28.12.1994 (Annexure P-1), and therefore, this Writ Petition is liable to be dismissed.

5. Earlier, the petitioner had filed a Writ Petition bearing CWP No.1488 of 1997 which was dismissed as withdrawn on 21.04.1997 with permission to file fresh Writ Petition in order to challenge the said advertisement. It is further stated in the reply that the Rules of 1978 have no application for the post of Punjabi/Hindi/Sanskrit/Urdu Teachers belonging to category of Classical & Vernacular (C&V). Therefore, it is stated that the entire basis of the claim set up by the petitioner is not made out. The qualifications which have been mentioned in the advertisement are required to be fulfilled for appointment as Hindi Mistress. While the petitioner was initially selected as Hindi Mistress, it was noticed that she does not possess the qualification and therefore, her recommendation was withdrawn.

6. Learned State counsel submits that the qualifications laid down by the respondents cannot be said to be unjustified. The State Government has a power to lay down a higher qualification for appointment. Reliance has also been placed on the case of Ajay Malik Vs. Punjab University ; 1992(2) SLR 507. Keeping in view thereto, learned State counsel has submitted that the Writ Petition is devoid of merits.

7. I have considered the submissions and perused the notification dated 17.02.1989, which mentions about the posts for which advertisement was issued. The Rules of 1978 would have application as they existed at that time. It was also noticed that on 08.07.1995, the amendments were made in the Rules of 1978 whereby Appendix A and B were added. The post of Hindi Mistress requires a candidate to be Graduate with Hindi as a subject and with teaching Hindi in B.Ed. Thus, the advertisement laying down qualification

cannot be said to be unjustified as the petitioner does not have Hindi as an elective subject. She, therefore, is not qualified. Accordingly, this Writ Petition is dismissed.

8. All the pending applications in this Writ Petition stand disposed of accordingly.

October 11, 2023

Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

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