

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.:108

Civil Writ Petition No.5855 of 2023

Date of Decision: July 19, 2023

Pawan Kumar & others

..... PETITIONER(S)

VERSUS

State of Haryana & others

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

PRESENT: - Mr. Jawahar Lal Goyal, Advocate, for the petitioners.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Tribhuvan Dahiya, J (Oral)

This petition has been filed for issuing directions to the respondents to grant one-time relaxation/exemption to the petitioners from passing Haryana Teacher Eligibility Test (HTET) and Bachelor of Physical Education (B.P.Ed.), as was initially granted in Services Rules, 2012, dated 11.04.2012 (Annexure P-2) to teachers who had at least four years' experience. It is claimed that the petitioners have about four years' experience. It has further been prayed they may be allowed to participate in the process for selection on the posts of Trained Graduate Teacher (TGT) Physical Education against Advertisement No.2/2023 dated 21.02.2023, category No.4 (Annexure P-4).

2. Learned State counsel has cited a judgment dated 21.04.2023 passed by this Court in Civil Writ Petition No.5894 of 2023 titled *Rishi Lal & others vs. State of Haryana & others*, wherein the issue of one-time relaxation in qualifications prescribed in the Rules, with reference to Advertisement No.2/2023, as raised in the instant petition, stands finally decided. It has been held that in case there is no provision in the rules for

relaxation/exemption, the petitioners cannot seek the same as a matter of right. The relevant paragraphs of the judgment are as under:

The only issue involved in the present batch of the petitions is whether the petitioners can be granted one-time relaxation qua the qualifications of HTET and B.Ed., to apply for the posts of TGT (Arts). As noticed above, the sole reliance of the petitioners is on the exemption granted by the respondent-Department during 2015 recruitment drive. However, this Court does not find any substance in the said submission of the learned counsel for the petitioners.

Admittedly, the objective behind the possession of a specific qualification for a particular post seeks its origin from the relevant Rules. If there is no provision in the Rules for any exemption, the petitioners cannot seek the same as a matter of right. Any relaxation or exemption granted by the respondent-Department in any recruitment process beyond Rules, is an administrative decision, taking into consideration the pragmatic circumstances and departmental exigencies.

Still further, the appointment pertains to the teaching faculties and the authorities are also to take into consideration the qualifications of the teachers, with a view to providing a quality education. Therefore, the petitioners cannot seek a mandate to impose any implication upon the respondent-department to give a relaxation/exemption to them.

Even otherwise, when the vires of very Rules stipulating essential qualification of the HTET/STET for the posts of TGTs in various streams, are under challenge before the Hon’ble Division Bench in Luxmi’s case (supra), there does not arise any question of granting exemption to the petitioners to appear in the examination under reference, as interim prayer of the petitioners in the said writ petition, has been declined by the Hon’ble Division Bench.

3. Since the issue stands already adjudicated against the petitioners by this Court vide aforesaid judgment in *Rishi Pal* case (supra), there is no ground to entertain this petition.
4. Dismissed.

(Tribhuvan Dahiya)
Judge

July 19, 2023
payal

<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>