

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

**Reserved on:- 17.04.2023
Pronounced on: 21.04.2023**

1. **CWP-5894-2023**

RISHI LAL AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents
2. **CWP-6476-2023**

RAJBIR AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents
3. **CWP-5910-2023**

ISHWAR SINGH AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents
4. **CWP-6655-2023**

ANITA KUMARI AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents
5. **CWP-6860-2023**

RAJENDER SINGH AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

6. CWP-7484-2023

SUMAN AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

7. CWP-5893-2023

RAMESH KUMAR AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

8. CWP-5566-2023

SACHIN GARG

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ravinder Bangar, Advocate
for the petitioners in CWP-5894-2023, CWP-6476-2023,
CWP-5910-2023, CWP-6655-2023, CWP-6860-2023 and
CWP-7484-2023.

Mr. Vikram Sheoran, Advocate
for the petitioners in CWP-5893-2023 & CWP-5566-2023

Mr. RS Budhwar, Additional AG Haryana.

HARNARESH SINGH GILL, J.

This order of mine shall dispose of the above noted writ
petitions, as similar questions of law and facts are involved therein.

However, for facility of reference, the facts are taken from CWP-5894-

2023.

Prayer in this petition is for issuance of a writ directing the respondents to grant one-time relaxation/exemption to the petitioners, qua the qualification of HTET and B.Ed., for the post of Trained Graduate Teacher (Arts), against advertisement No.2/2023.

Learned counsel for the petitioners contends that the petitioners do not possess the qualification of Haryana Teachers Eligibility Test (HTET) and Bachelor of Education (B.Ed.), but they do have requisite teaching experience for nearly 10 years. It is further contended that the petitioners were earlier appointed in terms of 1998 Rules and they joined the service in 2010; that later on the selection process was challenged and the same was set aside by the Single Bench of this Court; that the said decision was upheld in LPA-359-2015 by the Division Bench and upheld by the Hon'ble Apex Court as well. It is yet further submitted that the petitioners remained in continuous service since 2010 and therefore, there was no time for them to acquire HTET and B.Ed. qualifications.

Learned counsel for the petitioners further contends that in the advertisement issued on 21.02.2023 by respondent-Haryana Staff Selection Commission, the qualifications of HTET and B.Ed., have been made mandatory so as to be eligible to apply for the post Trained Graduate Teacher (Arts).

Learned counsel for the petitioners further contends that the petitioners should have been given five years period to acquire the requisite qualification, as was stipulated in the Haryana Govt. Gazette dated 03.06.2011. Yet further, learned counsel would contend that as per the Haryana State Education School Cadre (Group C) Service Rules,

2012, the candidates, who have already worked as Teachers for a minimum period of 4 years, they were given exemption from acquiring STET/HTET and that similar relief should also be granted to the petitioners. It is also argued that the backlog of the posts as on the amendment of the Haryana School Education (Group C) State Cadre Service Rules, 2012, should be filled as per old Rules and not as per the new Rules. Learned counsel for the petitioners draws the attention of this Court towards the recruitment process pertaining to the year 2015, whereby such exemption/relaxation was granted, to the teachers already working in the respondent-Department.

On the other hand, learned State counsel submits that it is the prerogative of the State Government to provide for any stipulation as per Rules. He further contends that once the selection process in which the petitioners were initially appointed has been set aside by this Court, which has been upheld upto the Hon'ble Supreme Court, the petitioners cannot seek any equity on the ground that they did not have time to acquire the HTET and B.Ed. qualifications during their service tenure and therefore, they should be granted one-time relaxation/exemption.

While controverting the argument raised by the learned counsel for the petitioners that during the 2015 recruitment drive, one-time relaxation/exemption was granted to the candidates not possessing HTET qualification, learned State counsel argues that the administrative decision regarding the recruitment process must have been taken keeping in view the prevalent circumstances and exigencies in the Department and that if the Rules/Instructions have not stipulated for any exemption, the petitioners cannot seek the same as a matter of right.

Learned State counsel further relies upon an order dated

12.04.2023 passed by a Division Bench of this Court, in CM-5659-CWP-2023 in CWP-5090-2023 (Luxmi Devi and others Vs. State of Haryana and others). In the said petition, challenge is to the Haryana School Education (Group-C) State Cadre Service Rules, 2012, prescribing the qualification of Haryana Teacher Eligibility Test (HTET)/School Teacher Eligibility Test (STET) for the purpose of appointment to the posts of Trained Graduate Teachers in various streams. He specifically makes a reference to the fact that the Hon'ble Division Bench vide the aforesaid order dated 12.04.2023, has declined to grant any interim relief to the petitioners therein by observing that unless their challenge to the Rules is adjudicated, it may not be possible to grant any interim relief to them.

I have heard the learned counsel for the parties.

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.

No other point has been urged.

In view of the above, finding no merit in the present batch of the petitions, the same are hereby dismissed.

No order as to costs.

21.04.2023

Aman Jain

Whether speaking/reasoned
Whether reportable

(HARNARESH SINGH GILL)
JUDGE

: *Yes/No*
: *Yes/No*