

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20029 of 2012 (O&M)

Date of decision: 19.01.2023

Bhupinder Kaur

..Petitioner

Versus

State of Punjab and others

..Respondents

CWP-1385 of 2016 (O&M)

Gurcharan Singh and others

..Petitioners

Versus

The State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kapil Kakkar, Advocate
for the petitioner (in CWP-20029 of 2012)

Mr. Baltesj Singh Sidhu, Sr. Advocate, with
Mr. Divij Datt, Advocate,
for the petitioners (in CWP-1385 of 2016)

Mr. Maninder Singh, DAG, Punjab

ANIL KSHETARPAL, J(Oral)

1. These two connected writ petitions have come up for final disposal.
2. These petitions have been filed challenging the correctness of the recruitment notice dated 10.09.2012 issued for inviting the applications for filling up the posts of Rural Associates Teachers in the various subjects on a contract basis. The dispute is with regard to the requirement of a particular subject combination in the B.A. Degree course for recruitment to the post of Rural Associate Teacher of Social Studies. The operative part of

the recruitment notice is extracted as under:-

“Social Studies:- B.A. Degree from recognised University, with any two of the following subjects, in each year of 3 years Degree, and pass in B.Ed (History, Political Science, Public Administration, Psychology, Economics, Geography, Elective English and Environment Studies).”

3. The candidature of the petitioner has been rejected on the ground that the petitioner(s) failed to fulfill the requirement of having passed any two subjects out of the subjects notified in the recruitment notice. In the Civil Writ Petition No.20029 of 2012, the petitioner claims that the subject Philosophy has been wrongly excluded, whereas in Civil Writ Petition No.1385 of 2016, the claim of the petitioners has been rejected on the ground that the petitioners did not pass the B.A Examination with the required subject combination for being eligible to the said post.

4. The services of the Rural Associate Teachers (Master Cadre) are governed by the Punjab State Education Class-III (School Cadre) Service Rules, 1978. As per the Rules, the Social Studies Masters/Mistress are required to have the following qualification as the eligibility criteria to be appointed to be said post:-

“B.A. With subject Combination as approved by Government from Master/Mistress time to time with B.T. or B.Ed.”

5. In one of the hearing before the Court, the question arose for adjudication “As to whether there is any decision by the competent authority with regard to the requirement of study of various subject combinations in

the B.A. Degree?

6. Pursuant thereto, the affidavit of the Assistant Director, Education Recruitment Directorate, Department of School Education, Punjab, dated 22.12.2012, has been filed. Along with the affidavit, the proposal forwarded to the Cabinet for granting approval to fill the teaching cadre vacancies on a contract basis has been annexed as Annexure R-3. Along with the aforesaid proposal, the draft of the recruitment notice proposed to be published was also sent to the Cabinet. On careful reading of the last paragraph of the proposal sent to the Cabinet, it is evident that the draft recruitment notice containing the necessary information with regard to the requirement of the post to study any of the two subjects (i.e. subject combinations) as notified in the recruitment notice was also approved by the Cabinet .

7. The scope of judicial review in such matters is very limited/finite. It is for the employer and the experts appointed for the purpose to decide their requirement. Reliance in this regard can be placed on the judgment passed in *Indresh Kumar Mishra and others vs. State of Jharkhand and others, 2022 AIR (SC) 1854.*

8. In view of the aforesaid discussion, no ground to issue the writ as prayed for, is made out.

9. The writ petitions are dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

January 19, 2023

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(ANIL KSHETARPAL)
JUDGE

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