

**208-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1.CWP-21924-2014 (O&M)

Chamkor Singh and others

....Petitioners

Versus

State of Punjab and others

..Respondents

2.CWP-24460-2014 (O&M)

Manju and another

....Petitioners

Versus

State of Punjab and others

..Respondents

3.CWP-24278-2014 (O&M)

Vikesh Gupta

....Petitioner

Versus

State of Punjab and others

..Respondents

4.CWP-22524-2014 (O&M)

Sunil Gopal and others

....Petitioners

Versus

State of Punjab and others

..Respondents

Date of decision: 06.02.2023

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. H.C.Arora, Advocate for the petitioners
in CWP-21924-2014 and CWP-22524-2014

Mr. Aditya Dassaur, Advocate for the petitioners
in CWP-24460-2014

Ms. Himani Kapila, Advocate for the petitioners
in CWP-24278-2014

Mr. Gurpreet Singh, Addl. AG, Punjab

Mr. Rahul Rampal, Advocate for respondent no.29
in CWP-21924-2014

Mr. Ashok Kumar Singla, Advocate for respondent no.30

ANIL KSHETARPAL, J (Oral)

1. By this order, four connected writ petitions i.e CWP-21924, 24460, 24278 and 22524 of 2014 shall stand disposed of.
2. In substance, the petitioners pray for issuance of a writ in the nature of Certiorari, to quash the selection of respondent no.4 to 30 and all other similarly situated candidates, on the ground that they have not passed their BA degree with English language as an elective subject or English Literature during all the three years of their Graduation degree.
3. The petitioners have annexed the recruitment notice dated 09.07.2012 inviting applications for filling up 5078 posts of the Rural Associate Teachers (Master Cadre) on a contract basis. With respect to the subject of English language, the basic qualification in the recruitment notice reads as under:-

“Basic Qualification :-

xxxxx

English : Pass in graduation from any recognized University with English as a subject in all the 3 years of graduation, and pass in B.Ed with teaching of English as subject, or the candidate should have pass M.A (English) from any recognized University, alongwith B.Ed Degree.”

4. The petitioners claim that the basic qualification should be read as the subject of English Elective and not English language as a subject. They rely upon the judgment passed in '**Dilpreet Singh vs. State of Punjab**' LPA-1046-2012 decided on 31.10.2012 and another recruitment notice issued by the respondents providing for English language as an elective subject.

5. On the other hand, the learned counsel representing the respondents contends that as per the recruitment notice, there is no requirement of English as an elective subject.

6. It is evident from the reading of the basic qualification as provided in the recruitment notice that there is no requirement of passing the Graduation with English as an Elective subject.

7. The operative part of the judgment relied upon by the learned counsel representing the petitioner in **Dilpreet Singh's case (supra)**, reads as under:-

“There is no doubt on facts that when the advertisement dated 29.8.2007 was issued, qualification namely, graduation from a recognized university with English as an elective subject in all the three years of graduation and teaching of English in B.Ed. was prescribed in which MA English with B.Ed. was added later on by way of corrigendum dated 31.8.2007 but in order to remove any type of dispute or doubt, the second corrigendum was also issued on 27.2.2008 in which it has been specifically clarified that the corrigendum dated 31.8.2007 relates to qualification (b) i.e. teaching of English in B.Ed. and does not relate to qualification (a) which prescribes graduation with English as an elective subject in all the three years. In view of the clarification issued by the respondent/department, no other interpretation is possible as suggested by counsel for the respondents

and since the learned Single Judge has not even adverted to the second corrigendum in the impugned order as it was apparently not brought to his notice, the obvious error has occurred in the impugned order.

In view of the aforesaid discussion, both the appeals are found to be meritorious and are accordingly allowed. The impugned order in both the appeals is thus, hereby set aside.”

8. It is evident from a careful reading of the aforesaid observations that the second corrigendum issued on 31.08.2007 relates to the qualification under clause (b) and does not relate to qualification (a). The recruitment notice in the aforesaid LPA as extracted by the Division Bench reads as under:-

*“1. English Master/Mistress:
(i) Graduate from a recognized university with English as an elective subject in all the three years of graduation.
(ii) With teaching of English in B.Ed.”*
Thereafter, a corrigendum dated 31.8.2007 was issued modifying the basis qualification to the following effect:
*“1. English Master/Mistress:
(i) Graduate from a recognized university with English as an elective subject in all the three years of graduation.
(ii) B.Ed with English as teaching subject.
OR
MA English with B.Ed passed”*

9. Thus, the Division Bench has not as a ratio decidendi laid down that where ever the requirement is Graduation with English as a subject, it has to be read as English as an Elective subject and not otherwise.

10. As regards, the second argument of the learned counsel representing the petitioners, with reference to the another recruitment notice, it will be noted that the aforesaid recruitment notice is not related

to the recruitment in question.

11. Keeping in view the aforesaid facts, no ground to issue the writ as prayed for, is made out.

12. Hence, dismissed.

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

06.02.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE