

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

106

CWP-18857-2022 (O&M)

Date of Decision: 30.01.2023

RAJEEV KUMAR AND ORS

... Petitioners

Versus

STATE OF HARYANA AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vikram Sheoran, Advocate for the petitioners.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Mandamus directing the respondents to consider the petitioners, as eligible for the post of Trained Graduate Teachers (TGTs) English against advertisement dated 23.07.2015 (Annexure P-2), under the Scheduled Castes (SC) Category.

As per the aforesaid advertisement, the terms and conditions for the post of TGT (English), were as under:-

Cat. No. 1

***694 Posts of TGT English Except District Mewat
(Rest of Haryana).***

Essential Qualifications:-

i. B.A. with at least 50% marks in English as an elective subject and 2 year Diploma in Elementary Education;

OR

B.A. with at least 50% marks as well as in English as an elective subject and 1 year Bachelor in Education (B. Ed.);

OR

B.A. with at least 45% marks as well as 50% marks in English as an elective subject and 1 year Bachelor in Education (B. Ed.), in accordance with NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard;

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4 year Bachelor in Elementary Education (B. El. Ed):

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4 years B.A.Ed.;

OR

B.A. with at least 50% marks as well as in English as an elective subject and 1 year B. Ed. (Special Education);

ii. In case of B. Ed. English as a teaching subject from a recognized university

Learned counsel for the petitioners submits that Notification dated 11.04.2012 issued by Haryana Government, School Education Department, provides that there will be relaxation of 5% marks in B.A./B.Sc./B.Com/Senior Secondary Level for Scheduled Castes (SC), Backward Classes (BC), Other Backward Classes (OBC) and Differently Abled Candidates. On the strength of the said relaxation, learned counsel for the petitioners submits that though the petitioners are not able to mete out the minimum criteria i.e. at least 50% marks in English, yet they can be accommodated by providing the said relaxation. He further relies upon the letter dated 13.11.2019 issued by the National Council for Teacher Education.

Notice of motion.

On the asking of this Court, Ms. Tanushree Gupta, DAG Haryana, accepts notice on behalf of the respondent-State. She submits that the relaxation, as referred to above, is to be given on the aggregate marks obtained by a candidate in B.A./B.Sc./B.Com/Senior Secondary Level and not for a particular subject and that the said relaxation has to be read in conjunction with the other conditions and not in isolation. She further submits that there is a specific condition that a candidate should have secured 50% marks in English as elective subject and that is a mandatory condition, to which relaxation does not apply and thus, the claim of the petitioners is not tenable.

I have heard the learned counsel for the parties.

As per the terms and conditions of the advertisement as well as the Notification heavily relied upon by the learned counsel for the petitioners, a candidate should possess B.A. with at least 50% marks in English as an elective subject. 50% marks in the subject sought to be taught by a candidate is a prerequisite condition. 5% relaxation is to be given on the aggregate marks obtained by a candidate in B.A./B.Sc./B.Com/Senior Secondary Level.

In view of the above, no ground is made out warranting interference of this Court.

Dismissed.

30.01.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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