

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

219

CWP-3007-2017 (O&M)

Date of Decision: 23.02.2023

PUSHPA DEVI

... Petitioner

Versus

STATE OF HARYANA AND ANR.

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rahul Deswal, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Certiorari quashing the action of the respondent-Commission in not considering the petitioner eligible for the interview to the post of Post Graduate Teacher (PGT) History.

Learned counsel for the petitioner submits that against advertisement No.4/2015, the petitioner had applied for the post of PGT History (Category No.8) online, under General Category; that the petitioner possesses the degrees of MA (History) and B.Ed. as well and that the requisite qualification for the post in question was 'MA History with at least 50% marks and B.Ed. from a recognized University.' It is further submitted that in the said advertisement, there was a specific note, which reads as under:-

'Note 2. Consistent good academic record implying that out of the lower qualification i.e. Matric/10+2/Graduation than requisite minimum qualification, one must secure at least 50% marks in two lower exams and 45% marks in third lower exam. If there

are only two lower exams, than one must secure at least 50% marks in one exam and 45% marks in another'.

Learned counsel for the petitioner further submits that the aforesaid note No.2 was challenged by some of the candidates before this Court and that in compliance of the order passed by this Court, the note was modified vide corrigendum dated 01.09.2016, stipulating as under:-

'In case of direct recruitment, good academic record means the candidate having 50% marks after taking average of all examination i.e. 10th/12th/Graduation/Post Graduation as the case may be. However, the candidate must have at least 50% marks in Post Graduation'.

Learned counsel for the petitioner further submits that though the petitioner was having all the requisite qualifications, yet her candidature was not considered by the respondent-Department. He makes a specific reference to the following tabulation details of the petitioner:-

Class/Course	Total marks	Marks obtained	Percentage
10 th	500	220	44.00%
12 th	500	252	50.40%
B.A.	1200	484	40.40%
B.Ed.	1000	613	61.30%
M.A.	1000	577	57.70%
Total	4200	2146	51.10%

Learned counsel for the petitioner submits that the good academic record means that a candidate should have 50% marks after taking average of all the examination i.e. 10th/12th/Graduation/Post Graduation, as the case may be. He, thus, argues that the qualification of B.Ed. was mandatory to be considered while asserting good academic record, which the respondent-Department has failed to do so and thus, the candidature of the petitioner has wrongly been rejected.

On the other hand, learned State counsel argues that there was a specific condition in the advertisement that a candidate must possess a degree in MA History with at least 50% marks and B.Ed. from a recognized University; that no specific percentage was fixed for the B.Ed. Course and that, 50% of the marks was to be calculated in the examination i.e. 10th/12th/Graduation/Post Graduation, as the case may be, which does not include the marks obtained in B.Ed. Examination.

I have heard the learned counsel for the parties.

The emphasis of the learned counsel for the petitioner is on non-consideration of the percentage of marks obtained in B.Ed. examination. It is a clear stand of the respondent-State that there was no provision for considering the said marks' percentage as the degree of B.Ed was also required and the marks obtained in 10th, 12th, Graduation and Post Graduation (which is a degree of M.A. in the present case), were to be considered. Once, in the advertisement itself, there was no stipulation of considering the percentage marks obtained in B.Ed and only a degree was required, the petitioner cannot seek any direction therefor. The essential qualification being MA History with at least 50% marks and B.Ed from a recognized University, cannot be read to mean consideration of the percentage marks obtained in B.Ed examination.

In view of the above, I find no merit in the present petition.

Dismissed.

23.02.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>