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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19867-2023 (O&M)
Date of Decision: 25.09.2023

Gurpreet Kaur

. . . . Petitioner

Vs.

State of Punjab and another

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. R.S. Dhull, Advocate,
for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner has preferred this writ petition stating that she has cleared the Masters Cadre exam for the post of Mathematics Cadre Teacher. However, she is not being offered appointment on the ground that her teacher eligibility certificate based on the Punjab State Teacher Eligibility Test (PSTET), 2018 is invalid.
2. Learned counsel submits that the petitioner belongs to BC category from the State of Haryana and she applied for the Punjab State Teacher Eligibility Test (PSTET), 2018 presenting herself as a BC category candidate. She was allowed to be treated as a BC category and was declared having qualified the exam, and now the respondents have challenged the said certificate.
3. I have considered the submissions.

4. A woman belonging to a particular reserved community of a particular State cannot claim the same status in a different State. The Supreme Court in ***Bir Singh vs. Delhi Jal Board and others, 2018 (10) SCC 312***, decided on 30.08.2018, has held as under:

“138. Conclusion:-

Insofar as the States, I agree with the majority view that a person who is recognised as a member of Scheduled Castes/Scheduled Tribes in his original State, will be entitled to all the benefits of reservation under the Constitution in that State only and not in other States/Union Territories and not entitled to the benefits of reservation in the migrated State/Union Territory.”

5. In view of above, the petitioner appearing in the State Teachers Eligibility Test of Punjab could have been only given status as a general category candidate. The BC status could not have been granted to her.
6. As per the Teachers Eligibility Test conditions laid down by the NCERT, the candidate from BC category is allowed to have passed the examination if he or she has scored 55% marks while an open/general category candidate has to score 60% marks for being declared as qualified in the State Eligibility Test.
7. The petitioner has scored 85 marks out of 150 marks and thus does not clear the State Teachers Eligibility Test from Punjab as a general category candidate. She therefore will have to appear afresh for the Teachers Eligibility Test.

8. In view of above, the action of the respondents in denying appointment to the petitioner on the post of Masters Cadre in the subject of Mathematics cannot be said to be wrongful in any manner.
9. Writ Petition fails and is accordingly *dismissed*.
10. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

September 25, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |