



LPA-1075-2024 (O&M)

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

Sr. No.103

LPA-1075-2024 (O&M)

Date of decision: 22.10.2024

Nahani Devi

....Appellant

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Chanderhas Yadav, Advocate, for the appellant.

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DEEPAK SIBAL, J. (Oral)

1. Through advertisement dated 22.08.1993, applications were invited by the Subordinate Services Selection Board, Haryana (for short – the Board) for appointment of JBT Teachers (School Cadre). The appellant applied for consideration of her candidature against one such advertised post. After undergoing the selection process, on 04.05.1995, the appellant was recommended for appointment. However, no appointment letter was issued to her as according to her employer – the State, candidates like the appellant, who possessed the B.Ed qualification, were not eligible.

2. The question as to whether candidates possessing the B.Ed qualification were eligible for being appointed as JBT Teachers (School Cadre) was raised before this Court by candidates who were similarly placed as the appellant. Two such petitions being **CWP-15026-1993 – Indu Sharma vs. State of Haryana and others**, and **CWP-15761-1993 – Harjinder Singh vs. State of Haryana and others**, were referred to be



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decided by a Full Bench of this Court. The petitioner, alongwith others, also approached this Court through **CWP-15485-1995 – Nahani Devi and others vs. State of Haryana and others**. The appellant's petition was adjourned to await the decision of the Full Bench in **Indu Sharma's case (supra)**. During the pendency of their petitions the aforesaid Indu Sharma and Harjinder Singh were given appointments and therefore, when their petitions came up for final hearing they were disposed of on 01.10.2013 and 21.01.2004, respectively, as having been rendered infructuous. However, when the appellant's writ petition came up for final disposal in the year 2024. At that stage, a learned Single Judge of this Court was of the view that after 30 years of her recommendation no relief for appointing her could be granted. Accordingly, the appellant's petition was disposed of. Such judgment of the learned Single Judge has been challenged through the present intra court appeal.

3. Learned counsel for the appellant has been heard.

4. In the year 1995, the appellant's name was recommended by the Board for appointment as a JBT Teacher but the State did not issue any appointment letter to her as the appellant was B.Ed. and did not possess the qualification prescribed under the applicable rules as also in the advertisement.

5. The appellant petitioned this Court seeking appointment as a JBT teacher on the ground that the qualification of B.Ed, possessed by her, was a higher qualification than prescribed in the applicable Rules/Advertisement and therefore, directions be issued by this Court to the State to treat her



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eligible and consequently order her appointment.

6. In CWP No.14983 of 2007 – Jyoti v. State of Haryana, decided on 10.12.2007, a Division Bench of this Court has held that qualification of B.Ed. cannot be considered for appointment as a JBT Teacher in the State of Haryana. Such decision was rendered after the Division Bench expressed its opinion that candidates who had acquired the prescribed qualification for appointment as a JBT teacher had obtained specialized training to tackle children and that through such training they were also aware of child psychology and behaviour of children upto the age of 12 years and that without such training it would not be possible to place the children in the hands of those who might have a higher degree like B.Ed. or even M.Ed. etc.

7. In P.M. Latha v. State of Kerala (2003) 3 SCC 541, while considering a similar issue, the Supreme Court has held as follows:-

"10. We find absolutely no force in the argument advanced by the respondents that B.Ed qualification is a higher qualification than TTC and therefore, the B.Ed candidates should be held to be eligible to compete for the post. On behalf of the applicants, it is pointed out before us that Trained Teacher's Certificate is given to teachers specially trained to teach small children in primary classes whereas for B.Ed degree, the training imparted is to teach students of classes above primary. B.Ed degree holders, therefore, cannot necessarily be held to be holding qualification suitable for appointment as teachers in primary schools. Whether for a particular post, the source of recruitment should be from the candidates with TTC qualification or B.Ed qualification, is a matter of recruitment policy. We find sufficient logic and



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justification in the State prescribing qualification for the post of primary teachers as only TTC and not B.Ed. Whether B.Ed qualification can also be prescribed for primary teachers is a question to be considered by the authorities concerned but we cannot consider B.Ed candidates, for the present vacancies advertised, as eligible."

8. In the light of the law laid down as above and because after 30 years of the filing of her petition when the appellant has not only become overage to be appointed on the post she seeks appointment but has also crossed the age of her superannuation, we are not inclined to interfere in the impugned judgment declining relief to the appellant.

9. Dismissed.

10. All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

October 22, 2024
Jyoti I

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