



CWP No.14107 of 2021 (O & M)

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

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**CWP No.14107 of 2021 (O & M)
Date of Decision : 15.5.2024**

*Priti**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Alka Chatrath, Advocate,
Ms. Divyajyot Maan, Advocate and
Mr. Nikhil Singh, Advocate, for the petitioner
Mr. Suneel Ranga, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 5.4.2021, Annexure P-14, whereby the petitioner's case for promotion to the post of Trained Graduate Teacher (TGT)-Home Science with effect from 25.7.2018, has been rejected.

2. The ground for rejection is non-fulfilment of the requisite qualification of four-year BA. While rejecting the case, the respondents have observed as under:

...In the light of above mentioned rules, committee comes to the conclusion that the Smt. Preeti is not eligible for the promotion to the post of TGT (Home Science) as she has possessed only 3-years B.A. instead of 4-years B.A.

In the light of the decision taken by the committee that the Smt. Preeti has not possessed requisite qualification i.e. 4 year BA/B.Sc. which is one of the main requirements as per Statutory Rules, 2012, hence, the claim of the Smt. Preeti for promotion to the



post of TGT (Home Science) has been rejected.

3. Appendix B (Rule 7) for the promotion of the post of TGT Home Science according to the Service Rules, 2012 is reproduced hereunder:

By Promotion:

(i) B.Sc. Home Science and 2-year Diploma in Elementary Education; OR

B.Sc. Home Science with at least 50% marks and 1-year Bachelor in Education (B.Ed.); OR

B.Sc. Home Science with at least 45% marks and 1-year Bachelor in Education (B.Ed.), in accordance with the 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 year BA/B.Sc.Ed.; OR

B.Sc. Home Science with at least 50% marks and 1-year B.Ed. (Special Education); AND

ii) In case of B.A., at least 50% marks in Home Science as one of the elective subject;

iii) In case of B.Ed., Home Science as a teaching subject from a recognized University;

iv) 3 years experience as Primary Teacher (PRT)/Classical and Vernacular (C & V) Teacher;

v) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET).

4. Learned counsel for the petitioner contends that the petitioner, who possesses three-year B.A. degree, is eligible as per the Haryana School Education (Group-C) State Cadre Rules, 2012 (for short 'the Rules'). The respondents have wrongly rejected her case on the basis of not possessing four-year B.A., which is not the requirement. The Rules



require senior secondary with at least fifty per cent marks and four-year B.A. or B.Sc. or B.Ed; or B.Sc. Home Science with at least fifty per cent marks and one-year B.Ed. The petitioner would be covered under clause (ii) which requires B.A. with at least fifty per cent marks in Home Science as one of the elective subject.

5. Learned State counsel, on the contrary, contends that the requirement under the Rules is clear and unequivocal as the word used between the two qualifications is 'AND' which cannot be ignored. Accordingly, apart from the qualification of B.Sc. Home Science with at least fifty per cent marks, the petitioner would be required to possess four-year B.A./B.Sc.Ed. to be eligible for being considered for promotion.

6. A perusal of the Rules makes it apparent that conjunction 'AND' has been used between clauses (i) and (ii) of the provision in Appendix B of the statutory service Rules prescribing qualifications for promotion to the post of TGT-Home Science. In case the petitioner is to be considered eligible on the basis of qualification of B.A. with fifty per cent marks in Home Science as an elective subject, the conjunction 'AND' is to be omitted or not to be read, though it is very much there. In case it is a mistake or has been wrongly included, as it *prima facie* appears to be, this Court cannot go into the issue as that would require testing the validity of the provision and/or its language, for which appropriate remedy is to approach the Division Bench.

7. In view thereof, the petition is dismissed as not maintainable, granting liberty to the petitioner to approach the Division Bench by filing an appropriate petition, if so advised.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

15.5.2024
Ashwani

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