

Date of Decision : 11-12-2024

6. CWP-18503-2019 (O&M)

VEENA RANIPetitioner

VERSUS

STATE OF PUNJAB AND ORSRespondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.C Arora, Advocate and
Mr. J.P.S Sidhu, Advocate
for the petitioners in CWP No.17250 of 2019.

Ms. Shubhanrit Kaur, Advocate for
Ms. Dilpreet Singh Gandhi, Advocate
For the petitioners in CWP Nos.18965 and 29378 of 2019.

Mr. Nitesh Singla, Advocate
For the petitioners in CWP No.20330 of 2019.

Mr. Amit Shukla, Advocate
For the petitioners in CWP Nos.18271 and 18503 of 2019.

Ms. Shruti, AAG Punjab.

Mr. Sandeep Jasuja, Advocate
For respondent No.5-NCTE.

HARSIMRAN SINGH SETHI, J. (Oral)

Present bunch of six writ petitions involve common question of law in the background of common set of facts and thus they are being decided by a common order.

The grievance raised by the petitioner(s) is that the petitioner(s) are entitled for the grant of benefit of eligibility to be considered for appointment against the post of ETT Teacher.

Learned counsel for the petitioner(s) submits that the petitioners are not required to possess Bachelor's Degree with 50% marks as, the qualification prescribed by the National Council for Teacher Education is good enough which is being possessed by the petitioner(s).

Upon notice of motion, the respondents have filed the reply. In their reply, the respondents have stated that wherein the respondents have stated that the minimum educational qualification required to be possessed by the candidates to be eligible to compete for the post of ETT Teacher in

the same as mentioned in the Punjab State Elementary Education (Teaching Cadre) Group-C Service Rules, 2018 wherein the Bachelor's Degree with 50% marks is an essential qualification to be possessed by a candidate and all the petitioner(s) does not possess the said qualification hence, they have been treated ineligible.

Learned counsel for the respondents further submits that the same question came up for consideration before this Court in CWP No.15330 of 2020 decided on 24.09.2024 titled "***Harkesh Kaur Lotte Vs. State of Punjab***" wherein, the candidate who were not having 50% marks in the Bachelor's Degree were held to be ineligible and therefore, the law that the candidates who do not have minimum qualification of Graduation cannot be treated eligible, has already been settled by the abovementioned case.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

Once, the qualification which has been prescribed in the Advertisement dated 01.03.2009 (Annexure P-2) is based upon 2018 Rules governing the service and as per the qualification prescribed therein, the Graduation is must with 50% marks, the petitioner(s) cannot say that the petitioner(s) are only required to possess the qualification mentioned by the NCTE.

The qualification as per the 2018 Rules are as under:-

"(1) Should possess Bachelor's Degree from a recognised University or Institution with atleast 50% marks as per guidelines of the University Grants Commission,

*(2) Should possess two years Elementary Teacher's Training course from a recognised University or Institution or two years **Diploma in Elementary Education (D.El.Ed.)** or qualifications as per guidelines of the National Council for Teachers' Education"*

A bare perusal of the above would shows that there are two sets of qualifications which are to be possessed by the candidates under Qualification under Clause-I and under Clause-II and there is no “or” between Clause-I and Clause-II. Hence, the qualification mentioned at Clause-I is also to be possessed by the candidates. In the present case, the petitioner(s) do not possess the Bachelor’s Degree as prescribed under the Rules hence, they cannot be treated eligible.

Further, the same question has already been answered by the Co-ordinate Bench in ***Harkesh Kaur Lotte’s case (supra)***, wherein, the candidates who are not even having 50% marks in the Graduation were held to be ineligible. Hence, once a candidate who has a Graduation Degree but does not have 50% marks is ineligible, the petitioner(s) who does not have the Graduation at all, cannot be treated eligible to compete for the post in question.

No ground is made out for any interference by this Court in the facts and circumstances of the present cases.

Hence, the present bunch of six petitions stands dismissed.

Pending application, if any, also stands disposed of.

Photocopy of this order be placed on the files of other connected cases.

11-12-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO