



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204) CM-6216-CWP-2024 in/and
CWP-6658-2013 (O&M)
Date of Decision : 04.10.2024

Dilbag Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Onkar Singh, Advocate for the petitioner.
Mr. Charanpreet Singh, Assistant Advocate General, Punjab.
Mr. Anupam Singla, Advocate and
Mr. Lalit Goyal, Advocate for respondent No. 2.

Harsimran Singh Sethi J. (Oral)

CM-6216-CWP-2024

Present application has been filed for fixing the main writ
petition to an early actual date of hearing.

Notice of the application to counsel for the respondents.

On the asking of the Court, Mr. Charanpreet Singh, learned
Assistant Advocate General, Punjab, who is present in Court, accepts notice
on behalf of the respondent-State and Mr. Anupam Singla, Advocate with Mr.
Lalit Goyal, Advocate appears on behalf of respondent No. 2. They raise no
objection for the grant of prayer as made in the present application.



Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and on the joint request of learned counsel for the parties, the main petition is taken up for hearing today.

CWP-6658-2013 (O&M)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner has been treated as ineligible so as to participate for the post of ETT Teachers as advertised by the respondents in the year 2008.

2. Learned counsel for the petitioner submits that even if it is assumed for the sake of argument that the petitioner was not having the qualification required for appointment to the post of ETT Teachers as envisaged under Rules governing the service, but keeping in view the fact that the candidates having B.Ed. qualification, have been treated eligible, after exhausting all the eligible candidates, who were eligible as per the Advertisement, the petitioner was entitled to be considered for appointment as he was B.Ed. qualified, hence, the respondents are under obligation to consider the petitioner's claim for appointment to the post of ETT Teachers.

3. Upon notice of motion, the respondents have filed the reply, wherein, they have stated that as per the qualification attached with the application, the petitioner was not eligible to compete for the post. Learned counsel for the respondents submits that in case, the petitioner is claiming eligibility on the basis of having obtained B.Ed. qualification, it may be noticed that the said qualification was obtained by the petitioner after the last



date as fixed in the Advertisement issued in the year 2008. Learned counsel for the respondents further submits that even if it is assumed for the sake of argument that the petitioner is to be considered for the post on the basis of his qualification as B.Ed. Teacher, the last selected candidate having B.Ed. qualification has 141.93 marks whereas, the aggregate score of the petitioner comes to 110 and even on this aspect, the petitioner cannot be treated eligible so as to get selected and consequently appointed.

4. Learned counsel for the petitioner submits that the petitioner has passed the B.Ed. examination in the Session 2005-2006 though, the certificate was issued in the year 2009. Learned counsel further submits that over all aggregate score of the petitioner is 113 and not 110 as being submitted by the learned counsel for the respondents.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It may be noticed that the petitioner is claiming eligibility as of now on the basis of B.Ed. qualification, which the petitioner had obtained in the Session 2005-2006. It is a conceded position that the respondents had taken a stand that after exhausting all the eligible candidates who fulfill the qualification prescribed for the said post under the rules, in case the advertised posts remained vacant the candidates having B.Ed. qualification were considered on the basis of the merit, which merit list has been separately prepared.

7. Learned counsel for the petitioner has conceded before this Court that after adjusting all the eligible candidates, who fulfill the



qualification required for the post of ETT Teachers as envisaged under the Rules governing the service, the last candidate who was considered on the basis of the qualification of B.Ed., has secured 141.93 marks.

8. That being so, the petitioner even if is considered on the basis of the B.Ed. qualification, he has only secured 113 marks. That being the factual position, the petitioner has not secured enough marks become eligible for selection even on the basis of B.Ed. qualification keeping in view the number of posts, which remained vacant after adjusting all the eligible candidates having qualification commensurate to the one prescribed in the Rules governing the service to be filled from the candidates having B.Ed. qualification.

9. Keeping in view the said fact, no ground is made out to treat the petitioner eligible or to be within the merit so as to claim appointment against one of the advertised post as being claimed in the present petition.

10. No ground is made out for any interference by this Court in the present petition.

11. Dismissed.

12. Pending miscellaneous application, if any, also stands disposed of.

October 04, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No