

**Sr. No.115**  
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT**  
**CHANDIGARH**

**LPA-1185-2023 (O&M)**  
**Date of decision:04.03.2024**

|                                     |            |                       |
|-------------------------------------|------------|-----------------------|
| <b>Deepak and others</b>            | <b>Vs.</b> | <b>...Appellant</b>   |
| <b>State of Haryana and another</b> |            | <b>...Respondents</b> |

**CORAM:     HON’BLE MR. JUSTICE G.S.SANDHAWALIA ACTING CHIEF JUSTICE**  
**HON’BLE MS. JUSTICE LAPITA BANERJI**

**Present:-     None for the appellant.**

Mr. Deepak Balyan, Additional A.G., Haryana.  
For the respondents.

Mr. Kanwal Goyal, Advocate,  
For the respondent-HPSC.

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**G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (ORAL)**

On 25.08.2023, following order was passed:

*“Appellants have filed this appeal being aggrieved by an order dated 10.08.2023 passed in CWP-15700-2023 wherein the petition filed by the petitioners challenging the condition in Advertisement No.31 of 2023 prescribing HTET/STET as an essential eligibility qualification for the post of Post Graduate Teachers (Physical Education) has been dismissed relying upon the decision dated 25.07.2023 passed in CWP-15802-2023 titled as "Monika and others Vs. State of Haryana and another".*

*Learned counsel for the appellants submits that minimum eligibility qualifications prescribed under the National Council for Teachers Education Act, 1993 is passing M.A. and B.Ed. but the State authorities by the impugned clause in the advertisement have in addition prescribed the passing of HTET/STET Test as an essential qualification which is beyond the authority and powers of the State as the entire field is governed by the provisions of the National Council for Teachers Education Act, 1993, which is a Central Legislation.*

*Learned Single Judge, after considering all the aspects and while relying upon the decision rendered in the case of Visveswaraya Technological University and anothers Vs. Krishnendu Halder and others reported as 2011(4) SCC 606, has held that qualifications prescribed by the NCTE are only the minimum qualifications and the State is not deluded of the powers to prescribe the higher qualification. Learned Single Bench has*

*accordingly upheld the prescription of eligibility qualifications in the advertisement and has also observed that same is in accordance with qualifications mentioned in Appendix-B of the Haryana State Education School Cadre (Group-B) Service Rules, 2012 which have not been challenged.*

*When confronted with the decision rendered by Division Bench of this Court in the case of Pardeep Kumar and others Vs. State of Haryana and others, 2017(1) SCT 799 upholding the additional qualifications prescribed under Appendix-B of the Haryana School Education (Group-C) State Cadre Services Rules, 2012 on the ground that he State has the power to prescribe higher qualifications than those prescribed by the NCTE, as well as the decision rendered by the Supreme Court in the case of State of UP and others Vs. Bhupendra Nath Tripathi and others, 2010(13) SCC 203, learned counsel for the appellants prays for and is granted time to examine the decisions and thereafter to make submissions.*

*As prayed, adjourned to 29.09.2023.”*

Thereafter, repeated adjournments have been taken. Case has been called twice. None is present on behalf of the appellant.

Keeping in view, present appeal is dismissed for want of prosecution.

**(G.S. SANDHAWALIA)**  
**ACTING CHIEF JUSTICE**

**(LAPITA BANERJI)**  
**JUDGE**

**March 04, 2024**  
vandana

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