

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113) LPA-1195-2023 (O&M)
Decided on : 05.03.2024

Seema Rani and othersPetitioner(s)
Versus
State of Haryana and othersRespondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI

Present: Mr. Ravinder Bangar, Advocate for the appellants.
Mr. Deepak Balyan, Addl. AG, Haryana.

G.S. Sandhawalia, Acting Chief Justice (Oral)

Consideration in the present letters patent appeal is sought of the order of the learned Single Judge dated 14.07.2023 passed in **CWP No.5841 of 2023 ‘Seema Rani & others Vs. State of Haryana & others’**. The Learned Single Judge vide the said order dismissed the writ petition while placing reliance upon the order passed in **CWP No.5894 of 2023 ‘Rishi Lal and others Vs. State of Haryana and others’** and other connected cases decided on 21.04.2023.

2. In principle the relief as such which was claimed by the writ petitioners is to grant relaxation/exemption from passing HTET and B.Ed. as granted in the Haryana School Education (Group-C) State Cadre Service Rules, 2012 (hereinafter referred to as ‘2012 Rules’) which came to be notified on 11.04.2012 (Annexure P-2). The same is based on the earlier exemption granted for advertisement No.5 of 2015. The advertisement in question i.e. No.2/2023 is dated 21.02.2023 (Annexure P-

4). The essential qualifications are apparently based on the rules. The eligibility criteria has already been fixed as per the rules.

3. In **Rishi Lal (supra)** the Learned Single Judge had also declined to interfere on the ground that possession of specific qualification for a particular post is to seek its origin from the relevant rules and once there is no provision in the rules for any exemption, the writ petitioners cannot seek the same as a matter of right. Any relaxation or exemption granted by the department, is an administrative decision, taking into consideration the pragmatic circumstances and departmental exigencies. The fact that the writ petitioners were applicants for the post of Trained Graduate Teacher (Arts) and seeking directions for exemption/relaxation, was also a reason which weighed with the Learned Single Judge, as the authorities have also to take into consideration the qualifications of the teachers, with a view to provide quality education.

4. It is not disputed that no appeal was preferred against the order of the Learned Single Judge passed in **Rishi Lal (supra)**. The Learned Single Judge has, thus, followed the said view. Similar view has also been taken by another Learned Single Judge in **CWP No.38102 of 2018 'Satbir Singh Vs. State of Haryana and others'** decided on 02.02.2021.

5. Resultantly, we are of the considered opinion that once the advertisement in question is based on the relevant rules, there is no legal right vested with the writ petitioners to seek relaxation. The aspirants not having the necessary eligibility cannot seek a writ of mandamus seeking directions to take a decision contrary to the rules, as per settled principles of law. Even otherwise there was no challenge raised to the rules in the writ petition itself by the appellants. In such circumstances, we are of the

considered opinion that the Learned Single Judge fell in no error while dismissing the writ petition. Resultantly, there is no merit in the present appeal and the same is dismissed in limine. All the pending civil miscellaneous application including **CM-3069-LPA-2023** filed for placing on record additional evidence, also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

05.03.2024
Naveen

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	√Yes	No
Whether Reportable :	Yes	√No