

2024:PHHC:018297-DB

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

CWP-9346-2017

Date of Decision: 08.02.2024

Neelima Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Sharan Sethi, Addl. A.G., Haryana.

SANJEEV PRAKASH SHARMA J. (ORAL)

1. By way of this writ petition, the petitioner claims parity with the Assistant Professors/Lecturers qualification as laid down by the Haryana Education (College Cadre) Group B Service Amendment Rules, 2010 with the qualification mentioned for direct recruitment of the teachers working in the privately managed Government aided, recognized and Government schools.

2. Learned counsel for the petitioner submits that exemption to acquire the qualification for passing Haryana Teachers Eligibility Test (for short 'HTET') / School Teachers Eligibility Test (for short 'STET') has been allowed only to the teachers working in privately managed

Government aided, recognized and Government schools, while the teachers teaching in the Colleges have not been granted the same exemption, whereas the minimum qualification required for teachers, who are teaching in Colleges, is higher than those for the School Lecturers. The consequential submission as per the general notification dated 11.04.2012, wherein it has been provided as under:-

“(i) That in case of direct recruitment the teachers working in privately managed Government aided, recognized and Government schools, are exempted to acquire qualifications of passing HTET as described in column 3 if they have worked as a teacher for a minimum period of four years on the date of enforcement of these rules. However, the said exemption is as a one time measure and the said category of teachers on their appointment shall have to qualify HTET by not later than 1st April 2015, otherwise their appointment shall stand terminated automatically without giving any further notice.”

3. The said exemption of passing the HTET/STET is only to participate in the selection process. From perusal of the above rule, it is apparent that once the person is selected for the post, he/she has to qualify HTET/STET within one year, i.e. by 01.04.2015, otherwise the appointment may stand terminated. Thus, it is one time exemption given to the teachers, who are already working in the Schools. This provision has been added essentially in terms of the similar provisions as provided by the National Council for Teacher Education (for short ‘NCTE’) keeping in line the provisions of the Right to Education, however, for the purpose of Colleges, the qualifications laid down are in consonance with the qualifications laid down by the UGC Regulations, 2010. The teachers in colleges are from Lecturers to Assistant Professors, who are appointed under a separate set of

rules. Inference of parity between the teachers provided under the separate set of rules cannot be maintained as they are separate Class. Thus, the claim of petitioner is found to be without basis.

4. The instant writ petition is accordingly dismissed.
5. All the pending application(s), if any, shall also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(HARSH BUNGER)
JUDGE

08.02.2024
Apurva

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No