



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

267

CWP-23619-2021 (O&M)

Date of Decision : 22.08.2024

Des Raj**.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sukhdev Kamboj, Advocate
for the petitioner.

Mr. Satnam Preet Singh, AAG, Punjab.

Mr. H.S. Batth, Advocate
for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the grievance of the petitioner is that respondent No.3 has been promoted to the post of Punjabi Mistress by ignoring the claim of the petitioner, who is senior to her and, therefore, the promotion of respondent No.3 to the post of Punjabi Mistress be set aside and a direction be issued to consider the claim of the petitioner for promotion to the said post along with all consequential benefits.

2. Upon notice of motion, the respondents have filed reply, wherein respondents have submitted that the promotion to the post of Punjabi Master /Mistress is governed by the Punjab Education (Teaching Cadre) Group-'C' Service Rules, 2018 and according to the said Rules, the employee concerned should be a Graduate from a recognized University or



institution and should have passed Punjabi as an elective subject for three years of graduation, which is missing in the case of the petitioner herein and, therefore, the petitioner is ineligible.

3. Learned counsel for the petitioner submits that the petitioner has passed the Gyani from the Punjabi University Patiala and as per the letter dated 27.10.2021, copy of which has been appended as Annexure P-13, the passing of the Gyani or Gyani (Honours in Punjabi) is to be considered equivalent to Punjabi Compulsory and Punjabi Elective of Graduation level and, therefore, the petitioner is fully eligible for promotion to the post of Punjabi Master.

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

5. The only question is whether, keeping in view the fact that the petitioner has not studied Punjabi as an Elective subject for a period of three years while passing graduation, can he be treated eligible under the rules governing the service merely by passing of Gyani from Punjabi University, Patiala.

6. It may be noticed that once, a specific qualification has been prescribed under the Rules, the candidate has to possess the said qualification in order to become eligible for promotion to the post in question. In the present case, it is a conceded position that the petitioner did not study Punjabi Elective subject while passing the graduation degree.

7. The question to decide is whether passing of the Gyani Subject will make the petitioner eligible for the post in question or not. Even if it is assumed, for the sake of argument, that the Gyani is equivalent to the



Punjabi Elective, then also, the same is to be treated as an equivalent qualification. Once, under the rule governing the service, the equivalent qualification has not been made admissible for being eligible, passing of the Gyani by the petitioner will not make him eligible for the post in question keeping in view the rule governing the service. Unless and until the equivalent qualification is mentioned in the Rules, the petitioner cannot claim that the equivalent qualification of Gyani will entitle the petitioner eligible to be considered for promotion. No ground is made out for interference by this Court.

- 8. Dismissed.
- 9. All pending applications, if any, stand disposed of accordingly.

22.08.2024

Satyawan

(HARSIMRAN SINGH SETHI)
JUDGE

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