

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARHSr. No.105LPA-2254-2024 (O&M)Date of decision : 23.09.2024

Haryana Staff Selection Commission, Panchkula

..... Appellant

Versus

Smt. Archana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE ALOK JAINPresent : Mr.Sanjeev Kaushik, Addl.A.G., Haryana.

* * * * *

DEEPAK SIBAL, J. (Oral)

1. The present intra court appeal is directed against judgment dated 27.03.2023, passed by a learned Single Judge of this Court, allowing respondent No.1's petition through which she had sought issuance of directions to appoint her as a Post Graduate Teacher (for short, PGT) (Biology).

2. A few relevant facts may be noticed.

3. Through advertisement dated 07.06.2012 the Haryana Staff Selection Commission (for short, the Commission) invited applications for appointment to various posts including 760 posts of PGT (Biology). Respondent No.1 was an applicant for the aforesaid posts. After she took part in the selection process she received a letter dated 01.02.2013 from the Secretary, Haryana School Teacher Selection Board, Panchkula, informing her that since she did not possess the requisite academic qualifications, her candidature was being cancelled. Respondent No.1 challenged the letter dated 01.02.2013 through filing of a petition before this Court being CWP-18367-2014 which petition of hers was disposed of on 04.12.2014 with liberty to her to approach the State Government. Respondent No.1 then filed representations to various authorities of the State of Haryana but when such representations went un responded to, she again knocked the doors of this Court



seeking quashing of the order cancelling her candidature and for issuance of directions to appoint her as a PGT (Biology), with all consequential benefits. Through the impugned judgment the learned Single Judge has accepted respondent No.1's afore referred prayers.

4. Learned counsel for the appellant has been heard.

5. The academic qualifications for the post of PGT (Biology) as prescribed through advertisement dated 07.06.2012 were as follows:-

“M.Sc. Zoology/Botany/ Bio-Science/Bio-Chemistry/Genetics/Micro-Biology/Plant Pathology/Bio-Technology/Life Science/Molecular Bio with at least 50% marks provided that the applicant had studied Botany & Zoology in Graduation level and B.Ed. from recognized University.”

6. Respondent No.1's candidature for appointment as PGT(Biology) was cancelled on the ground that she did not possess a Post Graduate Degree in Life Sciences as the Post Graduate Degree possessed by her was in Food Sciences and Technology from Chaudhary Charan Singh Haryana Agricultural University, Hisar (for short, CCSHAU).

7. On 04.12.2012, a bunch of petitions were decided by a Division Bench of this Court in which the lead case was CWP-13125-2012-*Babli vs. State of Haryana and others*. In those cases, the petitioners therein were aspirants for being appointed as PGT (Biology). They possessed Post Graduate Degrees from Maharishi Dayanand University, Rohtak, Kurukshetra University, Kurukshetra, Guru Jambheshwar University of Science and Technology, Hisar and CCSHAU but since their degrees were not Post Graduate Degrees in Life Science their candidature was rejected. The Division Bench held that “Life Sciences” by itself was not a Post Graduate Course and that in the aforesaid four universities in the State of Haryana there was a Faculty of Life Sciences which conducted as many as



16 Post Graduate Courses and that any candidate who possessed a Post Graduate Degree in any of these 16 Post Graduate courses, would be deemed to be a Post Graduate in Life Sciences and resultantly eligible for appointment as PGT (Biology) in the State of Haryana.

8. Similarly, in LPA-1014-2015-*Manju Rani vs. State of Haryana and others*, the issue which rose before a Division Bench of this Court was as to whether M.Sc. (Zoology & Aquaculture with specialization in Fisheries from CCSHAU, would make the appellant therein eligible for consideration of her candidature for appointment as PGT (Biology). In this context, the Division Bench through its interim order dated 13.07.2015 directed the constitution of a team of subject experts to go into the matter and submit a report, which it did. As per the committee's report all the courses studied by candidates under the Faculty of "Life Sciences" would be eligible for appointment as PGT (Biology). After considering the said report and in the absence of any material to the contrary produced by the State, through its final judgment dated 09.03.2017, the Division Bench allowed the intra court appeal filed by Manju Rani with a direction to the State to consider her eligible for appointment as PGT (Biology).

9. In the case in hand, respondent No.1 possesses a Post Graduate Degree in Food Science and Technology from CCSHAU which admittedly is a subject that is taught by the Faculty of Life Sciences in CCSHAU. This fact has also been certified by the university itself through its letter dated 12.12.2012 addressed to the State in *Manju Rani's* case (supra), the relevant portion of which is reproduced below for ready reference: -

"..... Ms. Manju Rani who has completed the M.Sc.(Fisheries) from this University has requested (copy enclosed) that she is not being considered



for the post of PGT Biology and requested for issue of a certificate from this University that M.Sc. Fisheries is considered under Life Science discipline.

Accordingly, it is informed that M.Sc. Fisheries of this University is covered under Life Science discipline and therefore, the candidates of M.Sc. Fisheries Degree holder of this university may be considered eligible for the post of PGT Biology under Life Science discipline as advertised by the Haryana School Teachers Selection Board vide Advt. No. 1/2012 dated 7.6.2012 under Category 4.

It is further clarified that all the courses related to the departments viz. Molecular Biology & Biotechnology, Microbiology, Zoology, Botany, Food Science & Technology, Bioinformatics, Fisheries, Plant Physiology and Biochemistry are covered under Life Science subjects, please.

(emphasis supplied).

10. No material to contradict the afore reproduced clarification given by the university has been produced by the appellant.
11. In the light of the afore factual position and the law laid down by Co-ordinate Benches of this Court in *Babli's* case (supra) and *Manju Rani's* case (supra), we find no error in the impugned judgment.
12. Dismissed.
13. Pending miscellaneous application(s) also stand disposed of.

[DEEPAK SIBAL]
JUDGE

23.09.2024
shamsher

[ALOK JAIN]
JUDGE

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