

CWP No. 24031 of 2017 (O&M)
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2024:PHHC:151555



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(222)

CWP No. 24031 of 2017 (O&M)
Date of Decision : 19.11.2024

Amandeep Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surmukh Singh, Advocate for the petitioner.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner competed for the post of Social Studies Master/Mistress in pursuance to the Advertisement dated 20.11.2015 (Annexure P-2) but, the petitioner has been dis-qualified on the ground that the petitioner does not fulfill the eligibility criteria for the post in question.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner has done her Graduation in the year 2010 from Punjabi University with Fine Arts, Public Administration and Psychology and thereafter, the petitioner also has done M.A. in Political Science in the year 2014-2015 hence, keeping in view the fact that the petitioner has a Post Graduate degree in Political Science, the petitioner should be considered eligible for the post in question as the petitioner is more qualified as compared to the qualification prescribed for being eligible to compete for the



post of Social Studies Master/Mistress as advertised vide Advertisement dated 20.11.2015 (Annexure P-2).

3. Upon notice of motion, the respondents have filed the reply. In the reply, the respondents have stated that the petitioner is required to fulfill the qualification as mentioned in the Advertisement and once, the petitioner has not studied any two subjects out of History, Political Science, Public Administration, Economic, Geography, Environmental Studies and Sociology during her Graduation, the petitioner is not entitled to be considered eligible merely that the petitioner has done M.A. in Political Science, especially when the Political Science was not the subject which the petitioner studied at the Graduation Level, hence, the candidature of the petitioner has rightly been rejected.

4. Learned counsel for the respondents submits that the Post Graduation in Political Science will not be treated equivalent to the qualifications as mentioned in the Advertisement, which qualifications are in consonance with the rules governing the service for appointment to the post of Master/Mistress.

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

6. It is a settled principle of law that all the candidates who compete for the post in pursuance to an Advertisement, are required to fulfill the eligibility conditions prescribed therein. Once, the candidate does not possess the qualifications prescribed in the Advertisement, which are in consonance with the rules governing the service, merely that the petitioner had another qualification which the candidate thinks to be at a higher



pedestal as compared to the qualification prescribed in the Advertisement/rules governing the service, the candidate cannot be treated as eligible for the post.

7. In the present case, the following were the essential qualifications required to be possessed by a candidate so as to be considered eligible for the post in question :-

“Educational Qualification

Social Science Master/Mistress :

(1) a valid Bachelor’s degree from a recognized University and studied any of two subjects i.e. History, Political Science, Public Administration, Economics, Geography, Environment studies and Sociology out of which one subject must be History, Political Science, Public Administration, Economics, Geography in each year at Graduate Level.

(ii) Bachelor’s degree in English (B.Ed) from a recognized University with teaching subject of Social Science”.

Over and above the above said education qualification for the post of social studies master/mistress candidate must passed the teacher eligibility test under the RTE Act, conducted by the State of Punjab Test-2.”

8. A bare perusal of the above reproduction would show that a candidate should have studied any of the two subjects out of History, Political Science, Public Administration, Economics, Geography, Environment Studies and Sociology at the Graduation Level and out of these subjects, one subject should have been as a part of curriculum in all the years of the Graduation Studies.

9. Concededly, the petitioner has not studied two subjects out of the subjects mentioned in the Advertisement as the petitioner only studied Public



Administration at the Graduation Level, hence, keeping in view the provisions of the Educational Qualification required so as to be eligible for the post in question, the petitioner cannot be treated eligible for the post in question.

10. With regard to the argument of the learned counsel for the petitioner that the petitioner is having a higher qualification of M.A. in Political Science, hence, the same should be considered to treat the petitioner eligible for the post of Social Studies Master/Mistress as advertised vide Advertisement dated 20.11.2015 (Annexure P-2), it may be noticed that in the qualification prescribed, the word 'equivalent qualification' has not been mentioned. In the absence of any equivalent qualification to be treated as a part of the Rule or the Advertisement, merely that the petitioner has done M.A. in Political Science the same will not suffice the requirement of the Rule of eligibility. The petitioner has to fulfill the minimum eligibility as prescribed under the Advertisement, which eligibility is also prescribed under the Rules governing the service, hence, the said argument of the learned counsel for the petitioner cannot be accepted.

11. Keeping in view the above, no ground is made out for any interference by this Court in the present petition.

12. Dismissed.

13. Pending miscellaneous application, if any, also stands disposed of.

November 19, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No