

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

238

CWP-3168-2022 (O&M)

Date of decision: 09.05.2024

Sandeep Singh and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the petitioners.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY, J (Oral)

1. The present petition has been filed for quashing the impugned corrigendum/notice dated 18.01.2022 (Annexure P6) issued to the advertisement dated 08.01.2022 (Annexure P1), prescribing the additional qualification of passing the Punjab State Teachers Eligibility Test-2 (PSTET-2) for recruitment to the post of Art and Craft Teachers.
2. There has been no representation on behalf of the petitioners on the last date of hearing. The position remains the same even today, despite the case having been called out twice.
3. Learned State counsel refers to judgment passed by the Division Bench in **Sandip Singh and others vs. State of Punjab and others**, CWP-1914-2022, decided on 03.02.2022, wherein the similar issue was decided against the petitioners, against which SLP was also dismissed on 28.03.2022. The relevant paras of **Sandip Singh** (supra) read thus:-

“The petitioners, in the present petition filed under Article 226 of the Constitution of India, challenge the educational qualifications provided in Appendix B to the Punjab Educational (Teaching Cadre) Group C Service Rules, 2018 as notified on 21.05.2018 (Annexure P-7) and further amended on 16.07.2021 (Annexure P-8), which prescribe the necessary qualifications for the post of Art and Craft Teachers. The challenge has also been

raised to the advertisement dated 08.01.2022 (Annexure P-9) and the corrigendum dated 18.01.2022 (Annexure P-10) wherein, applications have been invited for filling up 250 vacancies of Art and Craft Teachers, keeping in view the amended Rules.

The grouse as such of the petitioners is that they possess the qualification of Matric and 2 years' diploma in Art and Craft and they were duly eligible under The Punjab State Education Class-III (School Cadre) Service Rules, 1978 (in short '1978 Rules'), which had further been amended on 08.07.1995 (Annexure P-5). Therefore, they have been wrongly rendered totally ineligible for recruitment to the post of Art and Craft Teachers. No time as such has been given to them to acquire higher qualifications to become eligible under the impugned Rules and, therefore, they have become over age. Similarly, reliance upon NCTE notification dated 29.07.2011 (Annexure P-3) is also placed that till such time the NCTE lays down the minimum qualifications in respect of such teachers, the prescription of the eligibility criteria should not have been enhanced. Admittedly, challenge is also made to the fact that the additional qualification of passing of Punjab State Teachers' Eligibility Test-2 has been wrongly made mandatory.

XX XX XX

The advertisement in question dated 08.01.2022 (Annexure P-9) initially as such for the 250 posts did not mention the substituted educational qualifications of 2021 and necessary corrigendum was issued on 18.01.2022 (Annexure P-10) wherein, the recruitment as per the substituted eligibility criteria was also incorporated. The condition as such of passing Punjab State Teachers' Eligibility Test-2 for filling up the said posts was also made the requisite requirement.

Admittedly, the petitioners are Matric pass and diploma holders and, thus, cannot claim to have any vested right as such for consideration on the ground of hardship which has been alleged to be caused. It is for the employer to see what are the requisite educational qualifications for the teachers that it wishes to employ and it is not for this Court as such, to substitute its opinion on the strength of the argument which is raised by counsel for the petitioners that hardship has been caused to them. Nothing as such could be pointed out which would go on to show that the prescription of higher qualifications, which are now in the form of Graduation with B.Ed from a recognized university or institution and having two years' diploma in the same alongwith the graduation degree can be said to be bad.

XX XX XX

Keeping in view the settled position of law, the argument which is sought to be raised that vide notification of the NCTE dated 29.07.2011 (Annexure P-3), it had been prescribed that for teachers of Art Education, Craft Education, Home Science, Work Education, etc. the existing eligibility norms prescribed by the State Government and other school management were to be applicable till such time the NCTE lays down the minimum qualifications in respect of such teachers is without any basis. Once statutory Rules as such have been framed under Article

309 of the Constitution of India, this Court is of the opinion that the State Government is justified and had only upgraded the basic eligibility criteria as such by prescribing Graduation for filling up the posts of Art and Craft Teachers. No fault as such can be found in such action. It is settled principle that it is for the employer to choose the qualifications which are required for filling up the posts and it is not for the candidates as such to hold out what should be the requirement.

The argument that for Elementary Trained Teachers, the State as such had given a concession regarding the candidates who have done or are doing elementary training course with 10+2 qualification would be considered for employment as one time measure cannot be claimed as a matter of right as such. In such circumstances, keeping in view the above observations, no such enforceable right lies with the petitioners to claim such concession in case some concession has been granted to separate set of persons.

In such circumstances, this Court is of the opinion that prima facie, no case is made out to entertain the present writ petition and the same is accordingly dismissed in limine.”

4. In view of the above, the present petition is dismissed.

09.05.2024
ashok

(AMAN CHAUDHARY)
JUDGE

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