



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

CWP No.3646 of 2025

Date of Decision: 10.02.2025

Shelender

...Petitioner

Versus

Haryana Staff Selection Commission and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Baljinder Singh, Advocate
for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

The petitioner assails the qualification laid down for the post of TGT (English) Mewat Cadre under the Haryana School Education Group-C (State Cadre) Service Rules, 2012 (for short 'the Rules of 2012') while submitting that the requirement of passing 50% marks in English in Graduation, is not in consonance with the notification issued by the National Council for Teacher Education (NCTE) dated 13.11.2019 which has provided that those, who have taken admission in B.Ed. or B.El.Ed., would not be required to have minimum percentage of marks in Graduation and thus, the requirements laid down under the Rules of 2012 deprive the petitioner of participation in the selection for the post of English TGT.

2. We have considered the submissions.

3. We find that the Rules of 2012 are the rules framed under the proviso to Article 309 of the Constitution of India. The rules prescribe the



qualifications for the appointment of Teachers in State of Haryana. Since the education falls within the concurrent list, the State Government has powers to lay down qualifications which would be in consonance with the notifications issued by the NCTE from time to time. However, it can also add certain qualifications which are required as per its own decisions and required for the betterment and advancement of education in the whole State. Any additional qualification which may be added by a particular State cannot be said in any manner to be *ultra vires* to the Constitution nor it would be said to be in any manner contrary to the Central Rules and Regulations laid down by the NCTE. In ***Maa Vaishno Devi Mahila Mahavidyalaya vs. State of U.P. and other, 2013(2) SCC 617***, the Supreme Court has observed as under:-

“80. In Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya the view of this Court was that the State Government has no role whatsoever. However, in Bhartia Education Society it was stated that the role of the State Government was limited to the manner of admission, eligibility criteria, etc. without interfering with the conditions of recognition prescribed by NCTE. The exercise of discretion by the State Government and affiliating body has to be within the framework of the Act, the Regulations and conditions of recognition. Even in St. Johns Teachers Training Institute the Court stated that the State Government or the Union Territory has to necessarily confine itself to the guidelines issued by NCTE while considering the application for grant of "no-objection certificate". Minimisation of the role of the State at the second stage can also be justified on the ground that affiliation primarily is a subject- matter of the university



which is responsible for admission of the students laying down the criteria thereof, holding of examinations and implementation of the prescribed courses while maintaining the ed standards of education as prescribed.

82. *We are constrained to reiterate with emphasis at our command that the prescribed schedules under the Regulations and the judgments must be strictly adhered to without exceptions. None in the hierarchy of the State Government, university, NCTE or any other authority or body involved in this process can breach the schedule for any direct or indirect reason. Anybody who is found to be defaulting in this behalf is bound to render himself or herself liable for initiation of proceedings under the provisions of the Contempt of Courts Act, 1971 as well as for a disciplinary action in accordance with the orders of the Court. In Parshavanath Charitable Trust v. All India Council for Technical Education, decided on the same date, this Court held as under: (SCC para 26)*

"26... Time schedule is one such condition specifically prescribed for admission to the colleges. Adherence to admission schedule is again a subject which requires strict conformity by all concerned, without exception. Reference in this regard can be made to Rajan Purohit v. Rajasthan University of Health Sciences at this stage, in addition to Medical Council of India v. Madhu Singh²²."

83. *Undoubtedly, adherence to the schedule achieves the object of the Act and its various aspects. Disobedience results in unfair admissions, not commencing the courses within the stipulated time and causing serious prejudice to the students of higher merit resulting in defeating the rule of merit."*



4. The Hon'ble Apex Court reiterated the same position of law in case of **State of Rajasthan versus LBS B.Ed. College and ors., 2016(4) SCT 349**, wherein it was held as under:-

*“14. As we find from the aforesaid authorities as well as the Regulations framed by the NCTE, the **State** has a say, may be a limited one. We are inclined to use the word ‘limited’ because the State’s say is not binding on the NCTE. However, the NCTE is required to take the same into consideration, for the **State** has a vital role to offer proper comments supported by due reasoning. It needs no special emphasis to say that final authority rests with the NCTE. It is the clear legal position.”*

It would be, thus, not repugnant in the Central Rules and Regulations laid down by the NCTE and would not be hit by Article 254 of the Constitution of India.

5. The requirement of passing 50% marks in English subject is different from the minimum percentage of marks in Graduation which has been done away by the NCTE and the writ petition is found to be wholly misconceived and is, accordingly, dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

10.02.2025
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No