



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CWP-24975-2018
Decided On: 26.08.2025

MAHABIR SINGH

....PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Dr. Neha Awasthi, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to treat the petitioner eligible for the post of Post Graduate Teacher (PGT) Political Science under General Dependant of Ex-serviceman (DESM) category on the ground of having good academic record.

2. Facts of the case in brief are, the respondents issued an advertisement 04/2015, dated 28.06.2015, Annexure P-1, inviting applications for 424 posts of PGT Political Science, of which 21 were reserved for ESM category. The petitioner could have been considered against one such post subject to eligibility. The essential qualifications/eligibility for the posts laid down in the advertisement are as follows:

Eligibility:-

- (a) Matric with Hindi/Sanskrit or 10+2/B.A./M.A. with Hindi as one of the subject.



(b) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET) of respective subject for the post applied, conducted by Board of School Education Haryana, Bhiwani.

Note- The candidates those who are having/passed HTET till the date of interview after advertisement will be allowed for interview on the basis of acquiring HTET (Test) till the date of interview.

(c) Consistent good academic record (See Note-2)

xxx xxx xxx

Note 2. Consistent Good Academic Record implying that out of the lower qualification i.e. Matric/10+2/Graduation than requisite minimum qualification, one must secure at least 50% marks in two lower exams and 45% marks in third lower exam. If there are only two lower exams, than one must secure at least 50% marks in one exam and 45% marks in another.

2.1. Final result of selection was declared on 15.11.2018, and as per affidavit filed by Secretary of the Commission dated 06.01.2023, four posts in the ESM category against which the petitioner had applied remained vacant due to non-availability of eligible candidates. The petitioner’s candidature was considered for the post, but he did not fulfill the eligibility conditions on the following grounds as mentioned in the affidavit:

4. That the petitioner was not possessing good academic record as per aforesaid substituted provision and the answering-respondent is merely a recruitment agency and carries out the recruitment process strictly as per the substituted provision in service rules of Education Department, Haryana. The marks obtained by the petitioner are as following:

Sr. No.	Qualifications	Marks	Percentage
1.	Matric	281/600	46.83%



2.	10+2	184/500	36.8%
3.	Graduation	572/1200	47.67%
4.	Post Graduation	407/800	50.87%

Also, petitioner has passed B.Ed. and M.Ed. having 531/1000 and 917/1000. Thus, the petitioner obtained 1260 marks out of 2400 marks i.e. 48.46% marks against the requirement of 50% marks. So, he did not fulfil the eligibility condition as mentioned in the Advertisement for the post of PGT Political Science and was considered not eligible for the post in question.

3. In this factual background, learned counsel for the petitioner contends that the rejection of the petitioner's candidature for want of good academic record is not sustainable. Note 2 is to be read with Rule 7 of the Haryana State Education School Cadre (Group B) Service Rules, 2012 in Appendix-B, whereunder the following qualifications have been prescribed:

Academic qualifications and experience, if any, for direct recruitment on contract basis (PGT Political Science)

- (i) M. A. Political Science with at least 50% marks and B.Ed. from a recognised university, AND
- (ii) Matric with Hindi/Sanskrit or 10+2/B.A./M.A. with Hindi as one of the subject; AND
- (iii) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET).
- (iv) Consistent good academic record.

Accordingly, the only requirement for the candidates is to have M.A. Political Science with 50 per cent marks and B.Ed. from a recognised University, apart from having Matric with Hindi/Sanskrit or 10+2/B.A./M.A. with Hindi as one of the subjects. Therefore, the good academic record is required to be seen in the light of these two exams, and as per the requirement in the Note 2, he must secure 50 per cent in one exam and 45 per cent in another; the petitioner has



secured more than 50 per cent marks in M.A., i.e., 50.87 per cent as established by the M.A. final certificate dated 05.11.2004, Annexure P-6, and 46.83 per cent in Matric as established by the Matriculation certificate dated 25.06.1992, Annexure P-3. Accordingly, he has a right to be considered against the vacant posts.

4. Learned State counsel, however, contends that the petitioner's candidature has been rightly rejected as he did not possess good academic record as per Note 2 of the advertisement, which required him to have at least 50 per cent marks in two lower exams and 45 per cent in third lower exam. The details have been given in the affidavit filed on behalf of the Commission, and accordingly, even in the face of posts remaining vacant, he has no right to consideration. She has also placed reliance upon a corrigendum, dated 01.09.2016, mentioned in the affidavit and contends that the candidates were required to possess 50 per cent marks on average basis in any three examinations, i.e., 10th, 12th or Graduation, and the candidates must have atleast 50 per cent marks in Post Graduation.

5. Submissions made by learned counsel for the parties have been considered.

6. As per facts apparent on record, the petitioner has done matriculation with 46.83 per cent marks, 10+2 with 36.8 per cent, Graduation with 47.67 per cent and Post Graduation with 50.87 per cent marks. As per eligibility conditions in the advertisement, he was required to possess consistent good academic record in terms of Note 2, which is to the effect that *'out of the lower qualification, i.e., Matric/10+2/Graduation, a candidate must secure at least 50 per cent marks in two lower exams and 45 per cent*



marks in third lower exam'. Admittedly, the petitioner does not fulfill this requirement. His reliance is upon the second part of the Note which is to the effect, *'if there are only two lower exams, then one must secure at least 50 per cent marks in one exam and 45 per cent marks in another.'* The petitioner's reliance upon this second part of the Note is misplaced as he has cleared three lower exams, i.e., Matric, 10+2 and Graduation. Therefore, the requirement for him is to possess atleast 50 per cent marks in two lower exams and 45 per cent marks in third lower exam, which he concededly does not possess. Further, his reliance upon Rule 7 in Appendix B to the statutory Rules of 2012 prescribing academic qualifications for direct recruitment to the post is also of no help, since the Rule does not define consistent good academic record; it only mentions the qualifications. The criteria for good academic record has been laid down in Note 2 of the advertisement, which is not under challenge. Accordingly, the petitioner cannot claim any right to consideration by referring to the statutory Rules.

7. In view thereof, there is no merit in the petition and it stands dismissed.

26.08.2025
Ad

Whether speaking/reasoned?
Whether reportable?

(TRIBHUVAN DAHIYA)
JUDGE

Yes/No
Yes/No