

CWP-3842 of 2020

2026:PHHC:046578



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

CWP-3842 of 2020

Date of decision: 24.03.2026

Arvind Nagpal

....Petitioner

versus

State of Punjab and others

....Respondents

CWP-6474 of 2020

Abbit Masih

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Jagtar Kureel, Advocate, and
Mr. D.C. Kumar, Advocate,
for the petitioner in CWP-3842 of 2020.

Mr. S.K. Bansal for the petitioner
in CWP-6474 of 2020 (through V.C.).

Mr. N.P.S. Hira, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. By way of this common order, aforementioned two writ petitions are being disposed of as common questions of law and facts are involved therein. For the sake of brevity, facts are being taken from CWP-3842 of 2020.

2. Instant writ petition has been filed under Articles 226/227 of the Constitution of India, seeking issuance of appropriate directions

CWP-3842 of 2020

2026:PHHC:046578



to the respondents to issue appointment letter to the petitioner for the post of Head Master as he has been duly selected. Further, prayer has been made to quash the advertisement dated 09.03.2019 (Annexure P-1), vide which only the candidates from Government Schools have been allowed to participate.

3. The brief facts of the case, as have been pleaded in the petition, are that in pursuance to the advertisement dated 09.03.2019 (Annexure P-1), issued by the Punjab Public Service Commission whereby various posts, including 672 posts of Head Masters/Head Mistresses were advertised, out of which 334 posts were meant for general category, petitioner applied in general category and was duly selected at Sr. No.319 in the final selection list which was issued on 15.01.2020 (Annexure P-5). Since he was not issued appointment letter, therefore, he submitted representation (Annexure P-6). However, the said representation was not responded by the respondents, therefore, the petitioner has filed the instant petition for issuance of directions to the respondents to issue appointment letter to the petitioner.

4. In the written statement filed by way of affidavit of Krishan Kumar, Secretary to Government of Punjab, Department of School Education, Mini Secretariat, Sector 9, Chandigarh, on behalf of respondents No.1 to 3, it has been stated as under: -

“2. That through the Present Writ Petition, the Petitioner has inter-alia prayed to quash the action of the respondents vide which respondents have orally

2026:PHHC:046578



refused to allot a station and issue appointment letter to petitioner for the post of Head Master, despite the fact that the petitioner has applied for this post through proper channel and cleared the written exam as well as interview and name of petitioner is mentioned in the final selection list (Annexure P-5), still the respondents have orally refused to issue appointment letter and station to the petitioner by citing the reason that petitioner is not eligible as petitioner was teaching in Govt. Aided Schools. The petitioner has further prayed to quash the advertisement no. 16 dated 09.03.2019 (Annexure P-1).

3. *That in this regard, it is respectfully submitted that department of School Education had sent requisition to the Punjab Public Service Commission, Patiala for recruitment of posts of Headmasters/ Headmistress along with the posts of Principal and other category of posts which was published by the respondent No. 2 vide advertisement no. 16 dated 09.03.2019. The essential qualifications for recruitment to the post of Headmaster/Headmistress as per Rule 6 of Punjab Educational Service (School and Inspection) Group-B Service Rules, 2018 and Punjab Educational Service (School and Inspection Border Area) Group-B Service Rules, 2018 is as under: -*

- (1) *Should have passed Graduation at least with 55% marks from a recognized university or institution as per guidelines of the University Grants Commission;*

2026:PHHC:046578



- (2) *Should have passed B.Ed. from a recognized university or institution as per guidelines of the University Grants Commission; and*
- (3) *Should possess teaching experience for a minimum period of Eight years as Master/Mistress or six years' experience as Lecturer in any Government School.*

It is specifically submitted here that the advertisement dated 9-3-19 was only for the Govt. employee(s) working in the Department of School Education. The candidates having teaching experience from Private Aided/Unaided Schools were not eligible to apply for the said posts published vide advertisement dated 09.03.2019 as per said Rules.

The above said rules namely (Punjab Educational Service (School and Inspection) Group 'B' Service Rules, 2018 and Punjab Educational Service (School and Inspection Border Area) Group 'B' Service Rules 2018 are appended as Annexure R-1 (colly) for the kind perusal of this Hon'ble Court.

4. *That it is worthwhile to mention here that the services of Master/Mistress/Lecturer/ Head Master/ Head Mistresses/ Principal of Govt. Sector are governed by the Rules notified by the Govt. from time to time. But the services of the teaching faculty of Private unaided/aided Schools are governed by Rules of their respective managements and cannot be compared at par with the Government teachers, whereas Channel of Promotion are also totally different from each other.”*

2026:PHHC:046578



5. Learned counsel for the petitioner contended that the petitioner, who was working in the Government Aided School and had the requisite experience, applied for the post of Head Master. His name finds mention in the final selection list dated 15.01.2020 (Annexure P-5) at Sr. No.319 but the appointment letter is not being issued to him because of the reason that the experience, which the petitioner has got as a Math Teacher, is not from a Government School.

6. *Per contra*, learned State counsel contended that the petitioner was not eligible as the experience gained by him is not from the Government school but is from a Government-aided school

7. I have heard learned counsel for the parties and perused the record.

8. Admittedly, the petitioner had applied for the post of Headmaster/Headmistress against general category and was also selected, as his name is reflected at Sr. No.319 of the final selection list dated 15.01.2020. However, he has been denied appointment on the ground that he does not fulfil the condition of experience as the experience, gained by the petitioner is from the Government-aided school and not from the Government School.

9. It is a well-settled proposition of law that the advertisement which is in terms of the recruitment rules, is sacrosanct and all the terms and conditions of the advertisement are to be adhered to by the competing candidates. Essential qualification as per rules and the

CWP-3842 of 2020

2026:PHHC:046578



Mistress is that the candidate should possess teaching experience for a minimum period of eight years as master/mistress or six years experience as lecturer in any Government School. However, the petitioner has not fulfilled the requisite qualification of experience from the Government School as per the advertisement dated 09.03.2019 and, therefore, he cannot claim appointment in violation of the essential qualifications required under the rules. Further, the rules as per which advertisement has been issued are not under challenge.

10. Finding no merit in the present petitions, same are hereby dismissed.

11. Pending application(s), if any, also stand(s) disposed of.

24.03.2026
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No