

108

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

**LPA-1414-2026 (O&M)
Date of Decision: 15.05.2026**

Jagtar Singh

.... Appellant

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Mr. Deepak Gupta, Advocate,
for the appellant.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

CM-3455-LPA-2026

The present application has been filed for condonation of delay of 44 days in refiling the present intra-court appeal.

Notice in the application.

On the asking of the Court, Ms. Arundhati Kulshreshtha, AAG, Punjab, who is present in Court, accepts notice on behalf of respondents/State and submitted that the respondents/State has no objection in case the aforesaid delay of 44 days in refiling the appeal is condoned.

In view of the above, the present application is allowed and the delay of 44 days in refiling the appeal, is hereby condoned.

Main Case

1. The present is an intra-court appeal filed by the appellant assailing the judgment passed by learned Single Judge in CWP-27485-2022, which was dismissed vide order dated 15.01.2026.

2. Learned counsel for the appellant has argued that the appellant applied for the posts of Central Head Teacher as well as Head Teacher in the respondent-Department pursuant to the Advertisement issued on 19.08.2021. The Advertisement referred to the educational qualifications incorporated in the Statutory Rules, which have been annexed to the present appeal vide Annexure P-5. As per the aforesaid Rules, namely, Punjab State Elementary Education (Teaching Cadre) Group-C Service, Rules, 2018 (Appendix 'B'), the qualifications and experience required for appointment whether by direct recruitment or by promotion are specified. For the category of Central Head Teacher, the rules provide that a candidate must possess a bachelor's degree from a recognized university or institution with at least 50% marks, as per University Grants Commission guidelines. The same requirement applies to the post of Head Teacher, to which the appellant also applied.

3. Learned counsel further submitted that the appellant admittedly does not possess the required 50% in his bachelor's degree, having obtained 47.45% at graduation. He further submitted that another person, namely, Shiv Kumar, who possessed only 10+2 qualification, was appointed under a different advertisement in 2019 despite the 50% marks requirement and submitted that since the appellant is similarly situated to Shiv Kumar, he is also entitled to the same consideration. Learned counsel further submitted that learned Single Judge dismissed the writ petition only on the ground that the appellant did not fulfill the educational qualification prescribed under the aforesaid Rules, but the appellant is entitled to parity with the aforementioned person.

4. Learned counsel referred to Annexure P-9, which is a certificate issued by the Army Authorities during the appellant's earlier service, stating

that his graduation should be treated as equivalent for the purpose of appointment to Group-C posts.

5. On the other hand, Ms. Arundhati Kulshreshtha, learned AAG, Punjab, submitted that the appellant clearly and admittedly did not possess the basic qualification of 50% in graduation as per the aforesaid Rules of the year 2018 (Annexure P-5) and therefore, the respondent-Department had no occasion to consider his candidature. She further submitted that the Advertisement was issued on 19.08.2021 which was after those rules came into force and consequently, there is no ground available to the appellant to file the present appeal.

6. We have heard learned counsel for the parties.

7. It is an admitted position that the appellant obtained only 47.45% in graduation whereas the essential basic qualification for appointment to the posts of Central Head Teacher as well as Head Teacher is 50%, as per the Rules notified on 21.05.2018 (Annexure P-5). The Advertisement in pursuance of which the appellant applied was issued after the aforesaid Notification and therefore, *ex facie* the appellant was not eligible for being appointed to the aforesaid posts. So far as the argument which was raised by learned counsel for the appellant that the appellant should be treated at parity with the aforesaid person, namely, Shiv Kumar, who was appointed under a 2019 Advertisement despite holding only 10+2 qualification is concerned, the same is not sustainable. Although there is nothing on record to show that anyone was in fact appointed to those posts without the requisite qualification, even if assumingly, a mistake had occurred, it could not be allowed to be perpetuated and therefore the appellant cannot claim parity on that basis.

8. So far as the other argument advanced by learned counsel for the appellant based on a Certificate issued by the Army Authorities is concerned, the same is totally misconceived. Even if the Army Authorities issued a certificate stating that the appellant's graduation should be treated as equivalent for the purpose of appointment to Group-C posts, that certificate cannot be relied upon here. The appellant could only be considered if he satisfied the Statutory Rules governing the appointment under which the advertisement was issued. Those Rules (Annexure P-5) require a graduate degree with 50% marks, which the appellant admittedly does not possess. Therefore, the argument based on the Army certificate is entirely misconceived and unsustainable.

9. We are of the considered view that learned Single Judge has rightly dismissed the writ petition filed by the appellant and there is no ground available with the appellant for seeking any interference in the present Letters Patent Appeal and the same being devoid of merit is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

15.05.2026
Bhumika

(AMARJOT BHATTI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |