

(2013) 08 P&H CK 0545
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 16937 of 2013 (O and M)

Lakhvinder Singh and Another	Vs	APPELLANT
State of Punjab and Others		RESPONDENT

Date of Decision : 05-08-2013

Acts Referred:

Citation : (2013) 08 P&H CK 0545

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : B.S. Bairagi, for the Appellant;

Final Decision : Dismissed

Judgement

Tejinder Singh Dhindsa, J.—The Department of Education, State of Punjab issued advertisement dated 9.9.2012 for recruitment of village level teachers on contractual basis. In such advertisement, apart from other posts 100 posts of Art & Craft Teachers (C&V Cadre) were also advertised. The basic qualifications prescribed were matriculation or equivalent to this and two years diploma in Art & Craft from the institutions recognized by the Govt. of Punjab, Department of Technical Education. In the advertisement it was clearly stipulated that the State Govt. would conduct the Teachers Eligibility Test (T.E.T.) under the R.T.E. Act except for the posts of D.P.E. (Home Science) and Art & Craft Teachers. The petitioners are stated to possess the requisite essential qualifications for the post of Art & Craft Teachers (C&V Cadre) and have duly submitted their applications within the stipulated time frame.

2. The grievance that has led to the filing of the instant writ petition is that even though, each one of the petitioners has qualified the Teachers Eligibility Test (T.E.T.), yet, no weightage for the same is being afforded to them, even though, a 30% weightage is being given to such candidates who have qualified the T.E.T. and who have applied for the post of Agriculture Teachers under the same very advertisement.

3. Learned counsel for the petitioners would strenuously argue that under the Right of Children to Free & Compulsory Education Act, 2009 certain guidelines have been issued by the National Council for Teachers' Education (N.C.T.E.) and which would also apply to the State Govt. In terms of such guidelines the minimum qualification for a person to be eligible for appointment as a teacher is to have passed the T.E.T. which was to be conducted by the appropriate State Govt. Accordingly, it is argued that the absence of the condition of having passed the T.E.T. in so far as the Art & Craft Teachers are concerned, would be against the guidelines and provisions of the R.T.E. Act. That apart, a plea of discrimination has been raised by submitting that for the post of Agriculture Teacher weightage towards T.E.T. to the extent of 30% has been provided and such benefit is being denied to the petitioners while considering their claim for appointment as Art & Craft Teachers (C&V Cadre).

4. Having heard learned counsel for the petitioners at length, I find that no interference would be called for in the matter, at this stage.

5. Admittedly, as per the pleadings of the petitioners themselves, they had applied for the post of Art & Craft Teachers (C&V Cadre) in response to an advertisement dated 9.9.2012 (Annexure P-5). The recruitment process stood initiated as such in September, 2012 itself. The petitioners having submitted their applications for the post of Art & Craft Teachers (C&V Cadre) would be bound by the terms and conditions stipulated in the advertisement. Even if, the claim of the petitioners was meritorious, it was obligatory for them to have challenged the non-stipulation of T.E.T. for Art & Craft Teachers, at the very outset and threshold. Having submitted their applications and subjected themselves to a process of selection initiated in the year 2012, it would be too late in the day for the petitioners to be permitted now to raise a challenge to the essential qualifications prescribed for the post and to be accorded any weightage for the qualifications that they may otherwise possess. The writ petition, as such, is without merit and is dismissed.