
(2014) 11 P&H CK 0159

In the Punjab And Haryana At Chandigarh

Case No : C.W.P. No. 3960 of 2013 (O&M)

Navneet Kaur

APPELLANT

Vs

Sarv Siksha Abhiyan Authority and Others

RESPONDENT

Date of Decision : 20-11-2014

Acts Referred:

Citation : (2015) 1 SCT 143

Hon'ble Judges : Mahesh Grover, J

Bench : Single Bench

Advocate : Vivek Slathia, Advocates for the Appellant; Anupam Singla, Advocates for the Respondent

Judgement

Mahesh Grover, J.—The petitioner prays that she be declared eligible for appointment as ETT Teacher in terms of the qualifications prescribed in the advertisement and in the NCTE (pre-notification) norms. The respondents issued an advertisement which is on record as Annexure P-3 intending to make appointments to 1273 posts of ETT Teachers.

2. In the original advertisement eligibility criteria was prescribed, the relevant of which is extracted here below:-

4. Educational Qualification

i) The applicant should have passed 10+2 from the Punjab School Education Board or any other equivalent Board (in case of General category minimum with 50% marks and in case of Scheduled Castes/Scheduled Tribes minimum with 45% marks)

3. The aforesaid advertisement was followed by a corrigendum where the relevant of the educational qualification prescribed as applicable to the petitioner was more or less in conformity with the criteria prescribed by NCTE (principal notification) appended to the petition as Annexure P-1, same is extracted here below:-

v) Graduation with minimum 50% marks and B.Ed., NCTE (Recognition norms and procedure) Regulations as they are according to the instructions issued from time to time will also be eligible for appointment for Class 1 to 5 upto 1st January, 2012 provided that the applicant will have to pass 06 months "Special Program in Elementary Education" of the NCTE after appointment."

4. Annexure P-1 which has been described as principal notification prescribes the following eligibility criteria and the same is also extracted here below:-

(a) with Graduation with at least 50% marks and B.Ed. qualification or with at least 45% marks and 1 year Bachelor in Education (B.Ed.) in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard shall also be eligible for appointment to Class I to V upto 1st January, 2012 provided he/she undergoes, after appointment an NCTE recognized 6 month Special Programme in Elementary Education;

Coupled with this is a clause pertaining to reservation also and relaxation of qualifying marks to the extent indicated therein. The same is also extracted here below:-

(ii) Reservation policy

Relaxation upto 5% in the qualifying marks shall be allowed to the candidates belonging to reserved categories such as SC/ST/OBC/PH.

5. The grievance of the petitioner is that as per the principal notification graduation with atleast 50% marks was provided coupled with B.Ed. qualification or with atleast 45 % marks and one year Bachelor in Education. The petitioner contends that the condition of 45% as envisaged in the principal notification was not incorporated in the advertisement or the corrigendum issued thereafter and the respondents at the time of making the selections granted relaxation to the scheduled castes, backward class category and physically handicapped category but did not extend any relaxation to the general category candidates. In short the submission is that the NCTE guidelines as envisaged in the principal notification should have been adopted but a variation therefrom has resulted in great prejudice to the petitioner. Upon consideration of the matter, I am of the view that no justifiable ground is made out to interfere in the selection process for two reasons; one the petitioner never challenged the advertisement at the outset to plead that NCTE norms as per the principal notification have not been incorporated in entirety and second that the selectors would always have a right to raise the bar of merit which in the instant case prescribed 50% marks for graduates. This is also one of the norms prescribed in the principal notification and the second alternate of having 45% marks with one year Bachelor in Education has been dispensed with as it is an alternate even in the principal notification and not necessarily to be adopted. Besides this relaxation is permissible only as far as reserved categories are concerned and merely because such reservation has been contemplated in the notification and granted in favour of Scheduled caste, backward class and physically handicapped categories, the

petitioner who belongs to the general category cannot claim as a matter of right that similar benefit be extended to him, particularly when neither the advertisement nor the notification or corrigendum in response to which petitioner applied envisage any of this course.

Hence, dismissed.