
(2012) 05 P&H CK 0017
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 15527 of 2010

Satbir Singh Sahrawat

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 14-05-2012

Acts Referred:

Citation : (2012) 168 PLR 468 : (2013) 1 SCT 135

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : R.N. Sharma, for the Appellant; Harish Rathee, D.A.G., Haryana, for the Respondent

Final Decision : Allowed

Judgement

Augustine George Masih, J.—Petitioner has approached this Court praying for quashing of the order dated 19.08.2010 (Annexure P-2)

vide which his appointment as Guest Faculty Hindi Lecturer (School Cadre) was cancelled on the ground that he had obtained M.A. Degree in

Hindi on the basis of Parbhakar and did not possess the qualification of B.A. prior to passing his M.A. Challenge has also been raised to the

relieving order dated 23.08.2010 (Annexure P-3), vide which, on the basis of order dated 19.08.2010, he had been relieved from the School.

Counsel for the petitioner contends that as per the statutory Rules, the eligibility for appointment to the post of Hindi Lecturer (School Cadre) is

M.A. Hindi with at least 50% marks from recognized University. Petitioner possesses the said qualification from Karnataka State Open University.

Petitioner having possessed the said qualification was found eligible for appointment and was appointed as Guest Faculty Lecturer in Hindi on

21.12.2005 and was permitted to join as such. He continued to serve the respondents till order dated 19.08.2010 has been passed. Petitioner was ordered to be relieved vide order dated 19.08.2010 and was relieved on 23.08.2010. He contends that the basis for relieving the petitioner from service is not as per the statutory Rules and the requirements, which have been imposed upon the petitioner by the respondents, are alien to the statutory Rules and cannot be made the basis for not allowing the petitioner to continue. Accordingly, he contends that the impugned orders deserve to be quashed and the writ petition be allowed.

2. On the other hand, counsel for the respondents submits that the M.A. Degree obtained by the petitioner after passing Parbhakar and not having obtained the same after acquiring B.A. degree does not entitle him to appointment to the post of Lecturer in School Cadre. Reliance in this regard has been placed upon an information received under the Right to Information Act, 2005 from the Kurukshetra University, Kurukshetra dated 07.03.2007, according to which, Parbhakar is not equivalent to B.A. and a candidate who had passed M.A. Hindi on the basis of Parbhakar is not eligible for the post of, Lecturer/Assistant Registrar. Counsel has pressed this aspect before this Court.

3. On 13.03.2012, when the case was taken up for hearing, a direction was issued to the State counsel to seek specific instructions and a certificate from the Kurukshetra-University, Kurukshetra with regard to the eligibility of a candidate who has passed M.A. (Hindi) on the basis of Parbhakar for appointment to the post of Lecturer in Hindi in school cadre. In pursuance to the said order passed by this Court, an affidavit dated 04.05.2012 of Sh. Sadhu Ram Rohilla, District Education Officer, Jind, has been filed in Court along with which the information received from the Assistant Registrar (Academic), Kurukshetra University, Kurukshetra dated 02.05.2012 (Annexure R-1) has been appended, wherein information has been supplied that a candidate is not eligible for admission to M.A. (Hindi) on the basis of Parbhakar and a candidate, who had passed M.A. (Hindi) on the basis of Parbhakar, is not eligible for admission in M. Phil Hindi and for registration to Ph.D. Course. He is also not eligible for the post of Lecturer/Assistant Professor in the University. Counsel for the respondents, on the basis of this information, again prays that the petitioner

has been rightly relieved by the respondents from the post of Guest Faculty Lecturer in Hindi.

4. I have heard the counsel for the parties and have gone through the records of the case.

5. It is not in dispute that the statutory Rules governing the services are the Haryana State School Education (Lecturer School Cadre) (Group C)

Service Rules, 1998, which determine the method of recruitment and the qualifications required for appointment to the post of Lecturer. Rule 9 (1)

prescribes the method of recruitment and the qualifications are specified in Appendix-B to the Rules, according to which, for a person to be eligible

for appointment as a Hindi Lecturer, he is required to possess M.A. Hindi with at least 50% marks from a recognized University. This qualification

petitioner possesses as the respondents have not disputed the fact that the degree obtained by the petitioner is not from a recognized University.

Since the petitioner possesses the said qualification, which is the minimum required, and has been duly selected for appointment to the post of

Hindi Lecturer Guest Faculty (School Cadre), the petitioner was rightly appointed to the said post.

6. The reason now assigned for passing the impugned order dated 19.08.2010 (Annexure P-2) is that the petitioner does not possess B.A. and in

fact has done Parbhakar before passing M.A. The Rules do not specify that a candidate, who possesses B.A. in Hindi before obtaining a degree in

M.A. (Hindi) is eligible for appointment to the post of Lecturer in Hindi (School Cadre). Nothing has been placed on record which would suggest

that a person, who had obtained a degree in M.A. (Hindi), will not be eligible for appointment to the post of Lecturer in School Cadre. The basis

for terminating the services of the petitioner is totally misplaced as the latest information, which has been supplied to the District Education Officer,

Jind, dated 02.05.2012 by the Assistant Registrar (Academic) Kurukshetra University, Kurukshetra, also does not say that this eligibility, which

the petitioner possesses, would disentitle him to the appointment to the post of Lecturer (School Cadre). What has been stated in the said

communication reads as follows:-

In this connection, I am directed to inform you that a candidate is not eligible for admission to M.A. (Hindi) on the basis of Parbhakar. The

candidate who has passed M.A. (Hindi) on the basis of Parbhakar is not eligible for admission in M.Phil Hindi and for registration to Ph.D.

Course. He is also not eligible for the post of Lecturer/Assistant Professor in the University.

7. A perusal of the above would clearly indicate that the qualification and the eligibility, which has been communicated to the department, is only

with regard to the appointment to the post of Lecturer/Assistant Professor in the University. As the qualification possessed by the petitioner from

the University i.e. M.A. (Hindi) is not disputed to be from a recognized University, the stand of the respondents is not in consonance with the

statutory Rules which govern the eligibility conditions for appointment to the post of Lecturer (School Cadre). In view of the above, the present

writ petition is allowed. The impugned orders dated 19.08.2010 (Annexure P-2) and 23.08.2010 (Annexure P-3) are hereby quashed. All

consequential benefits be released to the petitioner within a period of two months from the date of receipt of certified copy of this order.