

(2011) 09 P&H CK 0032
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 8447 of 1989

Shambhu Nath Shastri

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 29-09-2011

Acts Referred:

Citation : (2012) 2 ILR (P&H) 506

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Satya Pal Jain, with Mr. Dheeraj Jain, for the Appellant; Navdeep Sukhna, DAG, Punjab, for the Respondent

Judgement

K. Kannan, J.—The petition is at the instance of a President, Punjab Hindi Sanskrit Vikas Parishad, seeking for direction to the State

represented through the Director of Public Instruction (Schools), Punjab, Chandigarh, that it shall appoint only a teacher each in the subject of

Sanskrit in Government High School and Government Girls Senior Secondary School at Batala every time when a vacancy arose in the same

subject. The petitioner rues over the fact that every time when a teacher from Sanskrit faculty retires, the fresh appointee is brought for some other

language and in the process Sanskrit teaching schools are getting marginalized to a state of extinction. The State has filed counter denying that there

is any violation of the policy laid down by the State Government and in response to the particular averment that they were appointing only a Hindi

teacher for teaching Sanskrit, such a situation arose only because there was no Sanskrit teacher available at that time. Meeting the allegation

contained in the petition that one Smt. Nirmal Kumari, who was a Hindi teacher and was working on the post as a Sanskrit teacher, the reply by

State is that the appointment was made in good faith and in the interest of students and in public interest. From what is stated in the written

statement of the State, I find that the State is not prepared to scuttle its own policy but would take a plea of bona fides in the manner in which they

have appointed Hindi teachers against the posts which were created for teaching Sanskrit. There is a clear-cut policy stated by the Government of

Punjab, Department of Education, as evident from the communication to the Chairman, Punjab School Education Board, through a memo dated

19.09.1985. The reproduction of the whole memo is relevant for that will set the tenor of the State's policy:-

Regarding note 9 serial No. 7 of the letter under reference, you are requested clarify to the Head of High and Higher Secondary Schools in the

State that the intention of this note is not to withdraw the existing facilities for the teaching of Sanskrit and Urdu where they are available and that in

such schools any number of students, even less than 10 can take Sanskrit or Urdu in 9th and 10th classes and where there are no arrangement

existing for teaching of Sanskrit or Urdu, the school will have to make arrangements for the study of either or both of these languages if the number

of students taking a particular language in 9th and 10th class is 10 or more.

2. The Government has clearly taken the stand that even in situations where there was no arrangement existing for teaching of Sanskrit or Urdu, the

school would have to make an arrangement for the study in these two languages if the number of students taking a particular language in the 9th or

10th class are more than 10 or above. The authorities are bound to enforce this policy of filling up the languages teachers only in the particular

stream for which vacancies exist. Before any attempt is made to abolish any particular language teacher's post, data must be collected as to

whether or not there exists at least 10 candidates, who are willing to learn the language. We cannot simply afford to neglect the treasure that

ancient languages such as Sanskrit holds. Sanskrit cannot be allowed to wither by our own negligence. The culture of every nation is fostered

through its language. It is the medium of language that is the carrier of a country's ethos. The State through the Director of Public Instructions shall

circulate a definite mandate that a vacancy in Sanskrit teacher's post shall be filled up only by a trained, qualified Sanskrit teacher and even if new

classes in Sanskrit are not opened, the existing one shall not be abolished without definite data in that regard. Appointments shall be so made that when a vacancy is caused in Sanskrit language post, it shall be directed to be is filled up by a trained teacher in the same language and there shall be no breach of this direction. The writ petition is disposed of as above.