
(2014) 04 P&H CK 0208
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 2694 of 1993

Smt. Vinod

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision : 28-04-2014

Acts Referred:

Citation : (2014) 04 P&H CK 0208

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : R.K. Malik, Senior Advocate and Mr. Tejpal Dhull, Advocate for the Appellant; Harish Rathee, Sr. DAG, Haryana for State, Advocate for the Respondent

Final Decision : Allowed

Judgement

Augustine George Masih, J.—By this order, I propose to dispose of two Civil Writ Petition Nos. 2694 and 2782 of 1993 as common questions of fact and law are involved in these petitions. With the consent of the counsel for the parties, the basic pleadings are being taken from CWP No. 2694 of 1993 (Smt. Vinod Versus The State of Haryana and others).

2. In pursuance to the advertisement issued by the respondents inviting applications for 2592 posts of J.B.T. Teachers, petitioner applied for the same. She was selected for the said post and joined as such in the year 1991. Thereafter, her services were sought to be terminated by the respondents by asserting that the J.B.T. Examination passed by the petitioner from Education Department of Delhi Administration in the year 1987 was not recognized by the State of Haryana as the recognition as equivalent to J.B.T. of Haryana State was granted w.e.f. 17.10.1989. Since the petitioner had passed her J.B.T. Examination from Education Department of Delhi Administration prior to 17.10.1989, she was not eligible for consideration for appointment to the post of J.B.T. Teacher.

3. It is the contention of the counsel for the petitioner that vide letter dated 21.07.1984 (Annexure R-2), the Director, School Education, Haryana indicated that the Government of Haryana in the light of D.O. dated 12.02.1984 (Annexure P-5) has recognized various qualifications possessed by the candidates from different institutes of State as equivalent to that of the J.B.T./Diploma in Education of State of Haryana. Basic Teacher Training Course of two years passed from the Education Department of Delhi Administration was one of the such J.B.T. Training Course, which was accepted as recognized equivalent to J.B.T. of Haryana.

4. In the light of this letter/decision of the Government of Haryana, the J.B.T. Course of the petitioner, which is also of the duration of two years obtained from the Education Department of Delhi Administration, shall be deemed to have been recognized as equivalent to J.B.T. Course of the Government of Haryana. Referring to the letter dated 17.10.1989 (Annexure R-1), counsel contends that what has been stated therein is that the J.B.T. Course run by the Delhi Administration is equivalent to J.B.T. of Haryana on reciprocal basis, but does not indicate that the J.B.T. Course obtained from Education Department of Delhi Administration prior to the said date was not recognized nor does it say that from the said date onwards, it would be treated as equivalent to J.B.T. He accordingly contends that the impugned order cannot sustain and deserve to be set-aside.

5. On the other hand, counsel for the respondents asserts that the recognition of the qualification of the petitioner, i.e., J.B.T. from Education Department of Delhi Administration stood recognized only with effect from the date of issuance of the letter dated 17.10.1989 and prior thereto J.B.T. done from the Education Department of Delhi Administration was not recognized.

6. As regards the letter dated 21.07.1984 (Annexure R-2), he contends that it related to only the Basic Teacher Training Course of the Education Department of Delhi State which was recognized and since the nomenclature of the Course was J.B.T., it would not be treated as recognized or equivalent. Prayer has, thus, been made for dismissal of the writ petition.

7. It has been brought to the notice of the Court that initially when the writ petition was filed, termination of the services of the petitioner was stayed. Petitioner is continuing as J.B.T. Teacher since then.

8. I have considered the submissions made by the counsel for the parties and with their assistance have gone through the records of the case.

9. The fact that the petitioner has passed her J.B.T. two years course from Education Department of Delhi Administration in the year 1987 is not in dispute. Keeping in view the decision of the Government of Haryana dated 12.02.1984 (Annexure P-5), where the Basic Teacher Training Course or the Basic Teacher Training Certificate of two years has been held to be equivalent to that of the J.B.T. of Haryana and since the petitioner has also done her J.B.T. two years Course from Education Department of Delhi Administration and is continuing in

service since 1991, it would not be just and appropriate at this stage to dislodge the petitioner.

10. Keeping in view the above facts and circumstances, the present writ petitions are allowed. The impugned order dated 04.03.1993 (Annexure P-3) is hereby set-aside, leaving the parties to bear their own costs.