

2025:PHHC:010747-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No.151 of 2025 (O&M)

Decided on : 23.01.2025

GURSIMRAT SINGH

....Appellant

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Ms. Gagan Deep Grewal, Advocate
for applicant-appellant.

Mr. R. S. Pandher, Sr. DAG, Punjab.

LISA GILL, J.

CM-343-LPA-2025

Heard.

For reasons mentioned in the application and arguments addressed,
delay of 95 days in filing of the appeal is condoned.

Application is disposed of accordingly.

LPA No.151 of 2025

1. Prayer in this appeal is for setting aside decision dated 06.08.2024 passed by learned Single Bench whereby CWP No.19898-2020 filed by present appellant/writ petitioner alongwith another was dismissed. CWP No.19898-2020

was filed by present appellant alongwith one Harinder Singh (not arrayed as appellant in this appeal) with the following prayers:-

- a) issue a Writ, order or direction especially in the nature of Certiorari, quashing clause-3(ii) of the advertisement dated 06.03.2020 (Annexure P-9) whereby, while inviting application to fill up 2364 posts of ETT cadre (current and backlog) in the Punjab Education Department, in addition to the qualification prescribed under the statutory rules, five additional marks are given to the candidate who are graduate, and further included clause-3(iii) and clause-5(vii) in the same very advertisement vide amendment letter no. 5/1-2020 R.D.(1) 2020 dated 11.11.2020 (Annexure P-12) issued by respondent no 3 vide which the candidates who are working in the Education Department as Education Provider/Education Volunteers, E.G.S. Volunteers, A.I.E. Volunteers and Special Training Resource(STR) Volunteers will be given 1 additional mark for each year of their service rendered and maximum 10 marks will be given, and by amending clause-5(iii), these candidates will also get age relaxation in upper age limit equal to the service rendered by them, is not only illegal, arbitrary, unconstitutional and is against the Statutory Rules as well as Punjab state education class-III (Primary School cadre) Service Rules 1997 (Annexure P-2) and Punjab State Elementary Education (Teaching Cadre) Group C Service Rules, 2018 (Annexure P-3) and is also against the notification dated 26.02.2020 (Annexure-7) issued by the department of school education, and is in contradiction of clause 2 of the same very advertisement and amounts to creating unnecessary hurdles in the path of the prospective candidates, who have not only acquired the basic qualification of 2 years of D.El.Ed course after 10+2 but have also passed the PSTET - I way back in year 2017.
- b) And to quash the notification dated 28.06.2018 (Annexure P-8) issued by Respondent No.4 vide which the B.A. B.Ed candidates are permitted to be selected/appointed on the post of ETT teacher to teach class I to V, being illegal, arbitrary and against the provisions of Section 23 of RTE Act, 2009 and the notification dated 23.08.2010 (Annexure P-5) and notification dated 29 July 2011 of National Council For Teacher Education (NCTE).
- c) And a writ in the nature of Mandamus may please be issued while directing the respondents to fill up advertised 2364 posts as per the procedure and qualification prescribed in the Statutory Rules made by National Council For Teacher Education (NCTE) vide notification dated 23.08.2010 (Annexure P-5).

d) It is further prayed that during the pendency of the writ petition, the respondents may be restrained from holding written test which is scheduled to be held on 29.11.2020.

e) It is further prayed that this Hon'ble Court may grant any other relief which it may deem fit and proper in the facts and circumstances of the instant case.”

2. It was contended before learned Single Bench that corrigendum issued by respondents on 11.11.2020 whereby service provider/educational volunteers already working with respondent-State were held entitled for grant of 01 mark for every year's service experience, maximum being 10 marks, was illegal and selection could not have been carried out in tune with the said corrigendum.

3. Brief facts necessary for adjudication of the case are that advertisement dated 06.03.2020 was issued, inviting applications to fill up 664 backlog posts of ETT Teachers SC (R&O) Physical Handicapped Category and Freedom Fighter Category as well as 1000 posts of ETT cadre in the Punjab Education Department. Vide notification dated 20.10.2020, education providers/volunteers were exempted from passing Punjab State Teacher Eligibility Test. Vide corrigendum dated 11.11.2020, the Government granted relaxation of upper age limit and provided credit of maximum marks of 10 to education providers/volunteers EGS volunteers, AIE volunteers and Special Training Resource (STR) volunteers i.e. 01 point per year of the service rendered. Last date for submission of application forms was extended to 17.11.2020. Written examination was scheduled to be held on 29.11.2020. Result of written examination was uploaded on 05.12.2020 and process of counseling started on 16.12.2020. However, before selection could be finalized, the process was challenged. Learned Single Bench set aside the selection process including the

advertisement vide order dated 08.11.2021 in CWP-3363-2011, titled 'Daljit Kaur and others Vs. State of Punjab and others'. This decision dated 08.11.2021 was impugned in LPA-1898-2023, titled 'Raman Kumar and others Vs. State of Punjab and others'. Said LPA was disposed of on 19.12.2023 in view of specific stand of writ petitioners therein (arrayed as respondents in LPA) to the effect that they did not wish to challenge the criteria for appointment to 2364 posts of ETT Teachers and would seek to withdraw the writ petition at that stage. Appeal was accordingly allowed. Decision dated 08.11.2021, of learned Single Judge was set aside as none of the parties at that point of time were challenging the criteria in the advertisement issued for selection to posts in question. In the proceedings in LPA-1898-2023, it was stated on behalf of appellant/State that entire selection process would be completed in terms of original advertisement, which was the subject matter of said writ petition and appeal.

4. Argument ultimately addressed on behalf of present appellant-writ petitioner in his writ petition filed earlier in the year 2020, challenging clause 3(iii), 5(vii) and corrigendum dated 11.11.2020 was that once the State had taken a stand that recruitment would be made as per the original advertisement, corrigendum dated 11.11.2020 by which benefit of experience was extended to service providers/educational volunteers, should have been ignored. Selection process being in breach of said statement in LPA-1898-2023, should thus be set aside. State opposed the writ petition while taking a stand that original advertisement includes all corrigendum(s) which were issued in respect to the same and that selection in question has been upheld vide decision dated 11.07.2024 in CWP-14546-2024, titled 'Deepak Kumar and others Vs. State of Punjab and others'. Reference was also made to speaking order dated 05.06.2024,

judgments of Hon'ble the Supreme Court in *Devesh Sharma Vs. Union of India 2023 AIR SC 3895* and *Jaiveer Singh Vs. State of Uttarakhand and others, 2023 SCC Online SC 1584*. Learned Single Bench dismissed the writ petition leading to filing of present appeal.

5. Sole argument raised by learned counsel for appellant is that in view of specific stand taken by the State before Division Bench of this Court in LPA-1898-2023 that selection shall be held in terms of original advertisement seeking applications for 2364 posts of ETT Teachers, corrigendum dated 20.10.2020 and 11.11.2020 cannot form part of original advertisement. It is submitted that appellant-writ petitioner, who was duly eligible for selection, has been put to prejudice by way of opening the field of selection wider by way of these corrigendum. It is thus prayed that this appeal be allowed, impugned order dated 06.08.2024 be set aside and writ petition be allowed as prayed for.

6. Learned counsel for the State on advance notice has opposed the appeal while reiterating that impugned order dated 06.08.2024 has been correctly passed after taking into consideration all the facts and circumstances. It is further pointed out that present appellant in any case has not secured the requisite merit even if 10 marks of experience are deducted from the marks secured by last selected candidate. It is thus prayed that this appeal be dismissed.

7. Having heard learned counsel for parties and perusing the file with their assistance, in our considered opinion, no ground is made out for interference. Apart from the fact that a corrigendum by itself would be treated in continuation of advertisement in question. Moreover, selection in question has been upheld as is mentioned in the foregoing paras. It is further to be noted that present appellant - Gursimrat Singh applied for the post of ETT Teacher SC (R&O) category and

secured 44 marks. It is a matter of record that merit of last selected candidate under SC (R&O) category was 62 and as per latest revised selection list dated 21.01.2025, as informed by learned counsel for the State, marks of last selected candidate are 57. Selection list dated 21.01.2025, it is informed, has been prepared after decision dated 10.02.2024 of Hon'ble the Supreme Court in review petitions filed in the case of 'Jaiveer Singh and others Vs. State of Uttarakhand and others' in SLP(L) No.23583-84 of 2022. It is thus apparent that even if 10 mark's experience as afforded to other candidates is deducted, appellant has secured marks less than the last selected candidate.

8. Learned counsel for the appellant is unable to point out any illegality, infirmity or irregularity in the impugned order dated 06.08.2024, passed by learned Single Bench, which calls for any interference by this Court in this appeal.

9. Appeal is accordingly dismissed with no order as to cost.

10. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(ALOK JAIN)
JUDGE

23.01.2025
Sunil

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No