



CWP-26369-2024 (O&M); CWP-12633-2017 (O&M); CWP-4546-2025 (O&M)

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107 (3 cases)

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

1.

CWP-26369-2024 (O&M)

SANJEEV KUMAR

. . . . Petitioner

Vs.

CHANDIGARH ADMIN. TRIBUNAL CHANDIGARH AND OTHERS

. . . . Respondents

2.

CWP-12633-2017 (O&M)

INDU RANI

. . . . Petitioner

Vs.

CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH AND ORS

. . . . Respondents

3.

CWP-4546-2025 (O&M)

SONAM GUPTA

. . . . Petitioner

Vs.

CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH AND
OTHERS

. . . . Respondents

Date of Decision: 06.03.2025

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Nitin Sharma, Advocate
for the petitioners.

Mr. Sanjiv Ghai, Advocate
for the respondents No.3 and 4.

Ms. Jyoti Choudhary, Sr. Panel Counsel
for the UOI.



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SANJEEV PRAKASH SHARMA, J.(Oral)

1. This order shall dispose of these three writ petitions as issue involved these cases is similar. For the sake of brevity, facts are being taken from CWP-26369-2024, as lead case.
2. The petitioner assails the order dated 14.03.2017 passed by the Central Administrative Tribunal (CAT) whereby his claim for seeking appointment on the post of TGT (Fine Arts) has been rejected.
3. Learned counsel for the petitioners has vehemently argued that the petitioner does not only possess Fine Arts as one of the subjects at the stage of graduation from Panjab University namely B.A. with Fine Arts, but has also done post-graduation M.A. in Fine Arts from Kurukshetra University. He submits that his qualification has to be treated as equivalent to that of Bachelor of Fine Arts (BFA) and such a certificate has been issued by the Kurukshetra University, Department of Fine Arts, which has been placed before the CAT. The certificate is dated 23.06.2015.
4. Learned counsel submits that on the strength of his having done B.A. with one of the subject as Fine Arts, he was admitted in the post-graduation course M.A. in Fine Arts. He has also done B.Ed. with one of the teaching subjects of Fine Arts. Thus, he is fully qualified and he be considered for appointment on the post of TGT (Fine Arts) by the respondents.
5. Learned counsel has also invited attention to the earlier advertisement issued for appointment on the post of TGT (Fine Arts) wherein it was



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specified that a candidate may have either Bachelor of Fine Arts as a degree or with one of the subjects as Fine Arts in graduation. He thus submits that a consistent approach has been adopted by the respondents in allowing candidates who have done graduation with one of the subjects as Fine Arts to be appointed as TGT.

6. He has also taken this Court to the decision taken by the Committee which resolved that BFA degree of the Panjab University be considered equivalent to the Master's degree in the subject of Fine Arts, and thereafter the Chandigarh Administration appointed one Sita Kushwah as TGT Mistress in Fine Arts in Govt. Senior Secondary School on 19.04.2002.
7. *Per contra*, learned counsel appearing for the Chandigarh Administration has invited our attention to the advertisement issued wherein the petitioner has applied. As per the advertisement, requisite qualification required is Bachelor of Fine Arts (BFA) degree or its equivalent from a recognized University with at least 50% marks. Thus, he submits that the qualifications have to be read as mentioned in the advertisement, and no person having any other qualification can be allowed to be treated as eligible and qualified for appointment under the said advertisement. There is no corrigendum issued to the said advertisement issued by the Education Department of Chandigarh Administration, and therefore no interpretation can be taken by this Court for that matter, different from what has been mentioned in the advertisement.



8. He relies on the judgment passed by the Supreme Court in the case of *Anoop M. and others vs. Gireeshkumar T.M. and others, (2025) 1 SCC 729*, as well as Full Bench judgment of this Court in *Som Dutt vs. State of Haryana and another, 1984(1) ILR (Punjab) 400*, to buttress his arguments.
9. Learned counsel has also invited our attention to the Rules framed vide Gazette notification dated 26.03.1991 and the amended Rule 3 (vii) issued vide notification dated 17.08.2001 which lays down the qualifications for recruitment to group C posts of school cadre, Chandigarh Education Service known as Chandigarh Education Service (School Cadre) (Group-C) Recruitment Rules, 1991.
10. We have considered the submissions.
11. As per the Recruitment Rules, 1991, essential qualifications for direct recruitment for the post of Masters/Mistresses (TGTs) in the subject of Fine Arts are as under:

“(vii) Bachelor of Fine Arts (BFA) degree or its equivalent from a recognized University with at least 45% marks.”
12. We also notice that in the advertisement, which was issued by the Education Department inviting applications for the post under which the petitioner had applied, specifically mentions the educational qualifications for Fine Arts as Bachelor of Fine Arts (BFA) degree or its equivalent from a recognized University with at least 50% marks.
13. The petitioner does not possess the qualification of Bachelor of Fine Arts. So far as equivalence is concerned, the same has to be declared



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by the employer. Mere declaration of equivalence by the Kurukshetra University would have no implication so far as individual employers namely State of Punjab, or Chandigarh Administration or State of Haryana are concerned. It is the respective Education Departments of the concerned administration who have to specifically declare equivalence for the purpose of appointment.

14. There are two different recognitions of education qualification. One is the recognition by the State Government or its authorities for the purpose of appointment by way of direct recruitment or promotion, whereas the educational qualifications are also required to be recognized for the purpose of admission to higher courses. The education being a subject of Central List as well as the State List, the State Government would be empowered to declare a particular educational qualification as recognized for the purpose of appointment to the particular post. They may choose not to recognize a particular qualification for the purpose of appointment. However, so far as educational institutions are concerned, they would be bound to accept an educational qualification issued by a statutory University. This aspect is of course subject to the regulations laid down by the National Council for Teacher Education (NCTE) for the purpose of appointment of teachers for various classes. With regard to the teachers, as well as professors and lecturers, the qualification as laid down by the NCTE and UGC are required to be treated as essential. The State Government



however has a right not to grant equivalence to a qualification acquired from a university for the purpose of appointment in their services.

15. We find that the post for which the petitioner had applied is TGT (Fine Arts). NCTE regulations only require that for the post of TGT, a person must have graduation in that subject. Thus, for the post of TGT (Fine Arts), the qualification would be Bachelor of Fine Arts. Merely a person has one subject as Fine Arts in his graduation, may not be acceptable to the State Government, in the present case the Chandigarh Administration, for appointment as TGT in Fine Arts. No university, or for that matter, this Court can impose and grant equivalence.

16. In the circumstances, we have to only further examine as to whether the petitioner who possesses higher qualification of Masters of Fine Arts can also be considered for appointment to the post of TGT (Fine Arts).

17. It has been further informed that the petitioner is working as a contractual lecturer in the B.Ed College and teaching subject of Fine Arts at the college level. However, we are not persuaded by the said submissions, for the purpose of treating him to be qualified for appointment as a TGT under the advertisement issued by the respondents which specifically mentions qualification of Bachelor of Fine Arts (BFA) degree or its equivalent from a recognized University with at least 50% marks as requisite qualifications.

18. In *Anoop M. and others* (supra), a similar issue was being examined by the Apex Court, and after considering the law as laid down from



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time to time by the Supreme Court as well as various High Courts, it reached to the conclusion that the qualification as laid down in the advertisement alone has to be treated as the requisite qualification for appointment, and higher qualification even if acquired by a candidate would not be sufficient for treating him eligible for appointment, merely because words ‘equivalent qualifications’ have been mentioned.

It held as under:

“ 36. On the above analysis, we hold that no error was committed by the Division Bench of the Kerala High Court in confirming the view taken by the learned Judge, non-suited candidates with DCA/higher qualifications who aspired for selection to the post of Lower Division Clerk in the Kerala Water Authority.”

19. The Full Bench of this Court in **Som Dutt** (supra) held as under:

*“10. Now what has been said above would apply equally and indeed with greater force where the qualifications are prescribed by an Act itself or by statutory rules framed thereunder. In such a situation, the respondent-State would have the added ground of claiming that a literal or strict compliance with the statute be adhered to. It is an ordinary and indeed a sound canon of construction that one should not normally add or subtract from a statutory prescription. The wisdom or the policy of both the legislature and their delegates in the framing of rules thereunder (which on the authority of State of Uttar Pradesh & Ors. v. Babu Ram Upadhyaya, AIR 1961 Supreme Court 75, become part and parcel of the Act.) is not to be easily questioned and overridden and therefore, it is not for the court to intrude into this somewhat sensitive field. Way back in **Banarsi Das and***



others v. The State of Uttar Pradesh and others, 1956 S.C.R. 357, it was held as axiomatic that it is clear that the Government is within its rights to lay down certain qualifications for the new recruits, and again in University of Mysore v. C.D. Govinda Rao & another, AIR 1965 Supreme Court 491, their Lordships even in the absence of statutory rules had observed that on the aspect of academic qualifications, the courts would naturally hesitate to intervene particularly when the matter has been duly considered by the persons authorised to do so. Therefore, once qualifications have been laid down by binding statutory provisions, then the concept of strict compliance therewith would entitle the State to insist that these be meticulously satisfied and extraneous considerations like qualifications other than those prescribed being either the exact equivalents, or technically higher than those, would be irrelevant to the issue and indeed may well be contrary to the statutory prescription.

15. To conclude, the answer to the question posed at the out-set is rendered in the affirmative and it is held that where the qualifications for a post are spelt out by a statute, or precisely prescribed by the employer-State, it can insist on a literal adherence thereto irrespective of either an un-prescribed equivalent or a higher academic qualification therefrom possessed by applicants seeking appointments to those posts.

16. Now applying the above, it is common ground in *Som Dutt's case (supra)*, that one of the prescribed minimal qualification was a two-year J.B.T./Diploma in Education Training Course from the Haryana Education Department. Admittedly, the writ petitioner did not possess the said Diploma. Equally, the Haryana Education Department has not recognised the Bachelor of Education Degree of the Kurukshetra University as an equivalent to the said Diploma. In this context, it is not for his Court to enter into



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the thicket of determining-whether the Bachelor of Education Degree is a higher or superior qualification than the prescribed Diploma in Junior Basic Training and proceed to hold on this ground that the writ petitioner would be mandatorily eligible for consideration to the post. Inevitably, it has to be held that the primary and indeed the sole ground pressed before us is without merit and this writ petition is consequently dismissed leaving the parties to bear their own costs.”

20. In view of above, we do not find any reason to differ from the view already taken by the Centrals Administrative Tribunal.
21. Writ Petitions are accordingly ***dismissed***.
22. All pending applications also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

06.03.2025

Mohit goyal

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|-------------------------------|---------------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |