



**CM-1512-CWP-2025 and
CM-1513-CWP-2025 in/and
CWP-10714-2023 & connected case 1**

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

**(110) CM-1512-CWP-2025 and
CM-1513-CWP-2025 in/and
CWP-10714-2023
Date of Decision : March 03, 2025**

Aman Kaur .. Petitioner

Versus

State of Punjab and others .. Respondents

**(110-A) CM-1498-CWP-2025 and
CM-1499-CWP-2025 in/and
CWP-11314-2023**

Jaspal Singh and others .. Petitioners

Versus

State of Punjab and another .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.S Mirpur, Advocate, for the applicant-petitioners.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-1512-CWP-2025 in CWP-10714-2023

As prayed for, the application is allowed.

Delay of 09 days in filing the restoration application i.e. CM-1513-CWP-2025 is condoned.



**CM-1512-CWP-2025 and
CM-1513-CWP-2025 in/and
CWP-10714-2023 & connected case 2**

CM-1498-CWP-2025 in CWP-11314-2023

As prayed for, the application is allowed.

Delay of 14 days in filing the restoration application i.e. CM-1499-CWP-2025, is condoned.

**CM-1513-CWP-2025 in CWP-10714-2023
CM-1499-CWP-2025 in CWP-11314-2023**

Present applications have been filed for recalling the order dated 12.12.2024, by which, the present writ petitions were dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. T.P.S. Chawla, learned Sr. Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present applications.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same are allowed. The order dated 12.12.2024 is recalled and the writ petitions are restored to its original number and status and on the joint request of learned counsel for the parties, the main writ petitions are taken up for hearing today itself.

CWP-10714-2023 and CWP-11314-2023

1. By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions involve the same question of law on similar facts.



**CM-1512-CWP-2025 and
CM-1513-CWP-2025 in/and
CWP-10714-2023 & connected case 3**

2. In the present writ petitions, the challenge is to the Advertisement dated 08.01.2022 (Annexure P-1) vide which, 25 posts of the Music Teachers were advertised on the ground that the condition of passing of the Teachers Eligibility Test has been prescribed so as to be treated eligible for the post whereas, no Teacher Eligibility Test has ever been held for a Music Teacher hence, the petitioners should be treated eligible so as to be considered for appointment to the post in question.

3. Learned counsel for the petitioners concedes the factum that the Advertisement which is being challenged is of the year 2022 and the petitioners passed the Teacher Eligibility Test in the year 2023 only i.e. after the last date of submission of application form.

4. Upon notice of motion, the respondents have filed the reply, wherein, the respondents have stated that as per the terms and conditions of the Advertisement, which are based upon the Punjab Educational (Teaching Cadre) Border Area Group 'C' Service Rules, 2018, only the teachers who have passed the Teacher Eligibility Test are eligible to be considered for appointment and as the petitioners have not passed the said test, the petitioners cannot claim that the Advertisement, which is in accordance with 2018 Rules, is bad hence, the petitioners have rightly been treated ineligible for the post in question.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. In the present writ petitions, the challenge is to the Advertisement Annexure P-1, by which 25 posts of the Music Teachers



**CM-1512-CWP-2025 and
CM-1513-CWP-2025 in/and
CWP-10714-2023 & connected case** 4

were advertised.

7. The grievance of the petitioners is that they have not been considered eligible for the post in question on the ground that the petitioners have not passed the Teacher Eligibility Test in the subject of Music but the same was never conducted by the respondents hence, the petitioners are liable to be considered eligible for the post in question.

8. It may be seen that once, under the Rules governing the service for appointment to the post of Music Teacher, the passing of the Teacher Eligibility Test is must, which condition was provided in the Advertisement as well, the petitioners cannot claim that the said condition of passing of the Teacher Eligibility Test is arbitrary or illegal. Nothing has been shown that the said condition in the Advertisement is contrary to the Rules governing the appointment to the post of Music Teacher.

9. In the absence of any perversity in the Advertisement qua the rules governing the service qua the post of Music Teacher, the request of the petitioners that they should be considered eligible despite the fact that they have not passed the Teacher Eligibility Test till the last date of submission of application form, cannot be accepted.

10. Even otherwise, as per the judgment of Division Bench of this Court in *LPA No.670 of 2024 titled as Dhirinder Singh and others vs. State of Punjab and others, decided on 14.05.2024*, the candidates who are not eligible as per the Rules and the Advertisement, no grievance can be raised by them.



**CM-1512-CWP-2025 and
CM-1513-CWP-2025 in/and
CWP-10714-2023 & connected case 5**

11. Keeping in view the totality of the circumstances, no ground is made out for any interference by this Court in the facts and circumstances of the present case.
12. Accordingly, the writ petitions are dismissed.
13. A photocopy of this order be placed on the file of other connected case.

March 03, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No