

2025:PHHC:013049



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

212

CWP-6202-2020 (O&amp;M)

Date of decision: 29.01.2025

Mohinder Singh and another

..Petitioners

Versus

State of Punjab and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr. Laxman Chaudhary, Advocate for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

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**AMAN CHAUDHARY, J. (Oral)**

1. Prayer made in the present petition is for directing the respondents to offer appointment to the petitioners as Head Teachers in pursuance of their selection made by respondent No.2.

2. Since CWP-26046-2019, **Parvinder Singh and others vs. State of Punjab and others**', reliance on which was placed in the index of the petition, stands disposed of by this Court, vide judgment dated 13.02.2023, with the lead case i.e. CWP-11921-2020 titled as **Sarabjit Kaur and another vs. State of Punjab and others**, learned counsel for the petitioners is unable to resist the disposal of the present petition in terms whereof, relevant paras of which read thus:

“xx 6. Learned counsel representing the petitioners have submitted as under:-

a) Sh.Bal, learned senior counsel submits that the Bachelor of Education (B.Ed.) is also a Bachelors degree. Hence, the respondents are not correct in insiting upon 50% marks in Bachelor degrees namely B.A., B.Com or B.Sc.

b) No relaxation in the minimum percentage of the marks obtained in the degree has been provided for candidates belonging to the Scheduled Caste category although in various other similar Rules, such a provision exists. To buttress their arguments, learned counsel representing the petitioners submit that the State of Punjab, upon realising it's mistake, has amended the 2018 Rules on 26<sup>th</sup> February, 2010 while relaxing the requirement for such candidates. Hence, they claim that such amendment proves that the 2018 Rules, as originally notified, suffer from errors.

c) In CWP-22440-2020 Ms. Alka Chatrath, the learned counsel representing the petitioners contends that the petitioners, in the aforesaid writ petition, have passed higher qualification in the first division i.e with more than 60 % marks and hence, they have been wrongly excluded. While relying upon the judgment passed by a Full Bench in 'Manjit Singh vs State of Punjab and other' 2010 (4) RSJ 86 and Jyoti K.K. vs. 'Kerala Public Service Commission' 2010 (15) SCC 596, she submits that higher qualification is required to be given due credit and the respondents have erred in holding the petitioners as ineligible. She further contends that the National Teacher Education Council itself provides for relaxation in the minimum qualifying marks required by a candidate of the reserved categories namely the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes when compared with the General category candidates. Therefore, some relaxation is required to be given.

d) She further contends that vide the amendment of the 2018 Rules, the earlier expression has been 'substituted'. Consequently, the amendment operates retrospectively from 21st May, 2018 i.e the date on which the 2018 Rules were notified. She relies upon judgment passed in Government of India and others versus Indian Tobacco Association 2005 (7) SCC 396.

7. On the other hand, learned State counsel while contesting the writ petitions, contends that as per the Rules, it is incumbent upon a candidate to fulfill all the three qualifications and experience required under Appendix B of the 2018 Rules. It is submitted that the required qualifications and experience have been divided into three separate parts and since while separating the aforesaid three parts, the word 'or' has not been used, therefore, the requirement mentioned in all the three parts shall be considered mandatory. The Rules amended in the year 2020 shall not be applicable to the recruitment of this batch as recruitment notice was issued on 8<sup>th</sup> March, 2019. It is further contended that B.Ed degree in education is not substitution of Bachelor degree as provided in Appendix B.

8. This Court has analyzed the arguments of the learned counsel representing the parties and examined the paper

books. Sh. Bal and Sh. Pandher have also filed a written note of their submissions. As regards the first argument of the learned counsel representing the petitioners, it is evident from the reading of Appendix B of the 2018 Rules that all the three parts mentioning the qualifications and experience are mandatorily required to be possessed by the candidate for him to become eligible for recruitment to the post of Head Teacher. In the first part, it is provided that a candidate should possess a Bachelor's degree from a recognized university or institution with at least 50% marks as per the guidelines of the University Grants Commission. Before the second portion starts, the first part ends with a semicolon. In the second part, it is provided that the candidate should possess a certificate in 2 year Elementary Teacher Training course or a two year diploma in Elementary Education or a Bachelor's degree in Education (B.Ed). In part 3, the minimum experience, which a candidate should possess has been specified. Thus, it is evident that apart from Bachelor's degree, as is understood in the common parlance, the requirement of the candidate possessing a certificate in 2 year Elementary Teacher Training course or a two year diploma in Elementary Education or a Bachelor's degree in Education (B.Ed) is mandatory. In other words, the three qualifications noticed in clause 2(2) of Appendix B clearly make a distinction between the Bachelor's degree and B.Ed course in context of the normal perception.

9. On a careful reading of the qualifications as prescribed in the Rules and the recruitment notice, it is evident that the expression 'Graduation' degree' has been used in the context of a Bachelor's degree in Humanities, Commerce or Science whereas Bachelor of Education (B.Ed) is a professional qualification in a specialized field. Hence, the B.Ed qualification is not a substitute for a Bachelor's degree but is in addition thereto because Part 2 of the qualifications explicitly requires that a Teacher should possess either a certificate in two year Elementary Teacher Training course or a two years diploma in Elementary Education or a Bachelor's degree in Education (B.Ed). Moreover, part 1 and part 2 are separated by a semicolon and not 'or'. Hence, both the requirements are co-existing and a candidate is compulsorily required to possess the qualifications prescribed in part 1 and 2 of the Rules. This interpretation is corroborated by the use of the conjunction 'and' after the use of semicolon between Part 2 and Part 3. Furthermore, wherever the rules have provided for alternative qualifications, it has used the word 'or' like in part 2 where the word 'or' has been used multiple times.

10. Now, the Court proceeds to examine the correctness of the argument of Ms. Alka Chatrath to the effect that the candidates have scored first division in a higher qualification. It is well settled that the court ordinarily should not interfere with the qualifications required under a statute, rules/recruitment notice or the like unless there is lack of

clarity or arbitrariness in the qualifications prescribed in the relevant document. In the present case, the 2018 Rules clearly require that a candidate must possess a Bachelor's degree with at least 50% marks. In these circumstances, if a candidate does not possess 50% marks in his graduation degree, the marks obtained in the post graduation degree will not be a sufficient substitute of the requirement of the minimum marks in the Bachelor's degree. This Court while exercising the power of judicial review has a limited jurisdiction. It does not sit in appeal over the decision of the Government. xx"

3. In view of the above, the present petition is hereby dismissed.

**29.01.2025**  
ashok

**( AMAN CHAUDHARY )**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No