



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

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CWP-27485-2022
Date of Decision : January 15, 2026

JAGTAR SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present : Mr. Deepak Gupta, Advocate for the petitioner.
Mr. N.P.S.Hira, DAG, Punjab.

DEEPINDER SINGH NALWA, J. (Oral)

1. In the present writ petition, the petitioner has challenged the order dated 29.10.2022 (Annexure P-16) whereby, the claim of the petitioner for appointment on the post of Centre Head Teacher (hereinafter referred to as the CHT) and Head Teacher (hereinafter referred to as the HT) has been rejected on the ground that the petitioner has not secured 50% marks in graduation.

2. Brief facts of the case are that the State of Punjab issued an advertisement on 19.08.2021 for recruitment of backlog of 29 CHT and 54 HT. Out of the abovesaid posts advertised, 16 posts of CHT were reserved for ex-servicemen (General) and 20 posts of HT were reserved for ex-servicemen (General). In pursuance to the abovesaid advertisement, the petitioner being ex-serviceman, applied for consideration for appointment on the post of CHT and HT. The petitioner has secured 47.45% marks in graduation. As per the advertisement Annexure P-2, in order to become

eligible for appointment on the posts of CHT and HT, a candidate has to possess bachelor's degree from the recognized university or institution with minimum 50% marks in the case of general category and 45% marks in the case of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Backward Classes and Physically Handicapped Candidates. The case of the petitioner was not considered for the purpose of appointment on the posts of CHT and HT on the ground that the petitioner did not possess 50% marks in graduation. Aggrieved against the action of the respondents-State in not considering the case of the petitioner for appointment on the post of CHT and HT, the petitioner filed CWP No.24315 of 2022 before this Court. The abovesaid writ petition was disposed of with a direction to the competent authority to decide the representation submitted by the petitioner within four weeks as per the law. In pursuance to the abovesaid order dated 20.10.2022, the respondents passed an order dated 29.10.2022 vide which, the claim of the petitioner was not accepted. A perusal of the order dated 29.10.2022 would show that the case of the petitioner was not considered on the ground that the petitioner, as per the advertisement, has not secured 50% marks in graduation, which is minimum eligibility for consideration for appointment on the post in question. Aggrieved against the abovesaid order dated 29.10.2022, the petitioner has filed the present writ petition challenging the same.

3. Learned counsel appearing on behalf of the petitioner submits that the Rule at the time when the petitioner was to be appointed on the post of ETT in the Department, has to be taken into consideration for the purpose of appointment on the post of CHT and HT. It is also the contention of the learned counsel for the petitioner that the Rules regulating the service and

condition of Group C posts, be taken into consideration for the purpose of appointment, as such, the qualification acquired by the petitioner in Post Graduation should also be taken into consideration for the purpose of appointment on the posts of CHT and HT. It is also the contention of the learned counsel for the petitioner that in light of Graduation Certificate (Annexure P-9), the petitioner is eligible to be considered for appointment on the posts of CHT and HT. Lastly, it is also the contention of the petitioner that one Shiv Kumar has been considered by the respondents in a subsequent advertisement issued by the Department relying on similar certificate (Annexure P-9) for the purpose of appointment on the posts of CHT and HT.

4. Per contra the learned State counsel submits that in terms of the advertisement Annexure P-2), a candidate in order to become eligible for appointment on the posts of CHT and HT, has to possess Bachelor's Degree with minimum 50% marks. It is the case of the learned State counsel that the petitioner has 47.45% marks in graduation as such, the petitioner is not eligible to be considered for appointment on the posts of CHT and HT and, therefore, the action of the respondent-State in not considering the case of petitioner for appointment on the posts in question is legal and valid.

5. After hearing the learned counsel for the parties at length, the issue involved in the present case is as to whether the petitioner is entitled to be considered for the purpose of appointment on the posts of CHT and HT.

6. A perusal of the facts of the present case would show that in terms of the advertisement dated 19.08.2021, in order to become eligible for the appointment of CHT and HT, a candidate has to possess Bachelor's Degree with minimum 50% marks. It is admitted fact that the petitioner does

not possesses 50% marks in Bachelor's Degree and in fact the petitioner possesses less than 50% marks i.e. 47.45% marks. In regard to the contention raised by the learned counsel for the petitioner that the Rules at the time when the petitioner was initially appointed in the Department has to be taken into consideration for the purpose of appointment on the posts of CHT and HT is concerned, the abovesaid contention cannot be accepted for the reason that the Rules at the time of issuance of advertisement has to be taken into consideration for the purpose of appointment. It is admitted fact that at the time of issuance of advertisement, as per the relevant Rules, minimum 50% marks is required for a candidate to become eligible for the purpose of appointment on the posts of CHT and HT. In regard to the contention raised by the learned counsel for the petitioner that as in the case of Group C post, as per the relevant Rules, the qualification of Post Graduation can be taken into consideration as such, the case of the petitioner should also be considered, as the petitioner possesses a Post Graduate Degree with more than 50% marks. In regard to the abovesaid contention raised by the learned counsel for the petitioner is concerned, the abovesaid contention also cannot be accepted for the reason that the Rules, which are applicable for the purpose of appointment have to be taken into consideration and not the Rules, which are not applicable.

7. In regard to the contention raised by the learned counsel for the petitioner that as per the Graduation Certificate (Annexure P-9), the petitioner has a right to be considered. In regard to the abovesaid contention, a perusal of Annexure P-9 would show that it only says that the persons are eligible for

the purpose of consideration for appointment on the post of Class C posts. The abovesaid certificate has to be read alongwith the advertisement and relevant rules. As the petitioner has not secured minimum of 50% in Bachelor's Degree as such, the petitioner cannot take the benefit of Annexure P-9 and claim that he is entitled to be considered for appointment on the posts of CHT and HT.

8. In regard to the last contention raised by the learned counsel for the petitioner that one Shiv Kumar has been considered eligible in light of Annexure P-9 is concerned, the abovesaid contention cannot be considered for the reason that the case of the petitioner has to be considered in terms of the advertisement issued in pursuance to which the petitioner has applied. Even otherwise also, the petitioner has not the challenged the condition of requirement of 50% marks in Graduation mentioned in the advertisement as such, no relief can be granted to the petitioner.

9. In view of the above, this Court finds no merit in the present writ petition and the same is, hereby, dismissed.

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

(DEEPIINDER SINGH NALWA)

January 15, 2026

JUDGE

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Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No