



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

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**CWP-21266-2026 (O&M)
Date of decision: 15.07.2026**

Sharda Devi

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jitender Malik, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. The petitioner has invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, praying for issuance of a writ in the nature of certiorari for quashing the order dated 17.03.2026 (Annexure P-25) passed by respondent No.2, whereby the claim of the petitioner for appointment to the post of TGT (Arts), pursuant to Advertisement No.2/2023 dated 21.02.2023 (Annexure P-4), has been rejected and for quashing the action of the respondents in declaring the petitioner ineligible for the said post despite her selection and recommendation, the same having been done on a rigid and selective interpretation of the Minutes of Meeting dated 18.07.2024 (Annexure P-26) of the Expert Committee of respondent No.3. Further a writ of *mandamus* has been sought, directing the respondents to appoint the petitioner on the post of TGT (Arts) with all



consequential benefits. During the pendency of the writ petition, the petitioner has also prayed for provisional appointment or, in the alternative, for keeping one post vacant pending adjudication of the present writ petition.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner applied for the post of TGT Arts pursuant to advertisement No.2/2023 dated 21.02.2023 (Annexure P-4) issued by the Haryana Staff Selection Commission. The petitioner possesses B.A., B.Ed., M.A. (Painting/Fine Arts), HTET qualification and additional subject qualification in Fine Arts as well as Additional Teaching Subject of Arts in B.Ed. The petitioner remained successful in the selection process and her name was included in the final selection list dated 27.07.2024 (Annexure P-22) and she was duly recommended for appointment by the HSSC, a fact which has already been conveyed to this Court during the pendency of CWP-20663-2023, earlier filed by the present petition. However, the petitioner was declared ineligible by adopting a hyper-technical approach on the ground that she did not possess Art as a teaching subject in B.Ed. before the cut-off date. The aforesaid ground taken by the respondents to declare the petitioner as ineligible is not sustainable in view of the Instructions dated 25.03.2016 (Annexure P-19) which specifically provides that the candidates possessing higher qualifications in the same line are to be considered eligible and the Minutes of Meeting dated 18.07.2024 (Annexure P-26) of the Expert Committee/HSSC recorded at Column No.10 which states that the



candidates possessing "Creative Drama, Fine Arts & Education" as a subject in D.Ed./B.Ed. "may be considered." The petitioner's B.Ed. certificate specifically reflects the subject "Drama and Art in Education." Learned counsel for the petitioner further submits that the petitioner is having the higher qualification in the same line i.e. M.A. (Fine Arts/Painting) and as such, in terms of the judgment rendered by the Full Bench of this Court in ***Manjit Singh vs. State of Punjab and others, 2010(3) SCT 703***, the petitioner is required to be considered eligible and offered appointment in terms of the recommendation made by the respondent/Commission. Learned counsel for the petitioner further submits that once the petitioner was permitted to participate in the entire recruitment process, was declared successful, and was thereafter, recommended for appointment by the competent recruiting agency, then, respondent No.2 could not sit in appeal over such recommendation and reject the same on a rigid, selective and non-speaking interpretation. Learned counsel for the petitioner additionally contends that the impugned order dated 17.03.2026 (Annexure P-25) is arbitrary and discriminatory, being violative of Articles 14 and 16 of the Constitution of India.

3. *Per contra*, learned State counsel submits that the petitioner has rightly been declared ineligible for the post of TGT Arts, for which the essential qualification is laid down as B.Ed. with Art as a teaching subject whereas the petitioner's reliance upon the Instructions dated 25.03.2016 (Annexure P-19) and the judgment rendered in ***Manjit***



Singh's case (supra) is totally misplaced as the higher qualification of the petitioner is not in the same line. He further submits that admittedly, the petitioner has done her post-graduation in Fine Arts/Painting, which cannot be treated as equivalent to B.Ed. with Art as a teaching subject. He further contends that in case the petitioner would have done M.Ed. with Arts, she could have been considered being having a higher qualification in the same line. Arts as a teaching subject is a professional degree as mandated under the Haryana School Education (Group-C) State Cadre Service Rules, 2023, amended on 08.02.2023.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. It is undisputed that the petitioner acquired B.Ed. with Art as a teaching subject only on 21.12.2023, whereas the cut-off date for determining the eligibility under Advertisement No.2/2023 was 15.03.2023. Consequently, the petitioner did not possess the prescribed essential qualification on the relevant date. The entire case of the petitioner rests on the contention that her degree in M.A. (Painting/Fine Arts) constitutes a higher qualification in the same line and, therefore, she satisfies the eligibility requirement in view of the Government Instructions dated 25.03.2016 and the Full Bench judgment of this Court in *Manjit Singh's case (supra)*. However, the said contention cannot be accepted.

6. The Full Bench of this Court in *Manjit Singh's case (supra)*, has examined the controversy relating to the post of Physical



Training Instructor, where the prescribed professional qualification was C.P.Ed. and the candidates possessing higher courses such as B.P.Ed., D.P.Ed. and M.P.Ed., claimed eligibility as a matter of higher qualification in the same line. The operative part of the said judgment, reads as follows:-

“25. Arguing on the same line Mr.Khosla has strenuously argued that the persons possessing any qualification other than C.P.Ed are not eligible. With a view to appreciate the applicability of the aforesaid judgment, it is deemed appropriate to examine the rule position as prescribed under 1955 rules for the post of P.T.I. From the rule noticed in earlier part of this judgment, it appears that educational qualification like matric or 10+2 is not prescribed therein. Though in the advertisement, Senior Secondary Certificate or Intermediate or its equivalent basic qualification is an essential component for the post. Similarly, for professional qualifications, certificate in Physical Education C.P.Ed of a duration of not less than two years or its equivalent is prescribed. However, by virtue of the corrigendum dated 24.10.2006, even a candidate with one year duration course of C.P.Ed is made eligible for recruitment in question. Similarly, in the rule, no equivalent qualification of C.P.Ed is referred to, though in the advertisement C.P.Ed or its equivalent qualification is also recognised as professional qualification. It cannot be ignored that the qualification prescribed under the rule and the advertisement is always the minimum qualification. It is not for us to identify any course which can be termed as equivalent to C.P.Ed course. At the same time, the curriculum of B.P.Ed and other higher courses, if include almost all the components of curriculum of C.P.Ed should not be construed to be a totally different and distinct qualification. In the case of Multan (supra), a Division Bench of this Court has clearly observed that D.P.Ed, B.P.Edc and M.P.Ed are higher qualifications in the same line. From the curriculum of courses like C.P.Ed, B.P.Ed, D.P.Ed, it is found that almost all components of C.P.Ed course of one year or two years are taught in D.P.Ed course in almost all the Universities in the States of Punjab and Haryana. In sum and substance, the controversy revolves around the curriculum of two types of courses, one prescribed in the advertisement i.e. C.P.Ed and higher courses acquired by the petitioners. On facts, we are of the



considered opinion that the curriculum of B.P.Ed, B.P.E, D.P.Ed includes the curriculum prescribed for C.P.Ed in major universities in the States of Punjab and Haryana. Higher qualifications being in the same subject and line cannot be ignored and candidates possessing higher qualification cannot be denied consideration for selection.

*26. The distinction sought to be created to deny eligibility is arbitrary and illusory. It goes without saying that the higher qualification provides better knowledge, better sense and in sight and equip the person with better understanding of the issues and problems. It cannot be a "bane" but has to be a "boon". The Hon'ble Supreme Court in the case of **Mohd. Riazul Usman Gani and others v. District & Sessions Judge, Nagpur, 2000(2) S.C.T. 10 : (2000) 2 SCC 606** had the occasion to consider whether the higher qualification than 8th standard prescribed for the post of Peon renders a candidate ineligible. Examining the issue, it is observed as under:-*

"21. A criterion which has the effect of denying a candidate his right to be considered for the post on the principle that he is having higher qualification than prescribed cannot be rational. We have not been able to appreciate as to why those candidates who possessed qualifications equivalent to SSC Examination could also not be considered. We are saying this on the facts of the case in hand and should not be understood as laying down a rule of universal application."

7. In the present case, the petitioner has not placed any material on record to show that **M.A. (Fine Arts/Painting)** is equivalent to, or includes, the professional training imparted through **B.Ed. with Art as a teaching subject**, which is the qualification prescribed under the Haryana School Education (Group-C) State Cadre Service Rules, 2023. An M.A. in Fine Arts is an academic qualification, whereas B.Ed. with Art as a teaching subject is a professional teaching qualification, which provides training in teaching the subject. Therefore, merely because M.A. is a higher academic qualification does not make it a



higher qualification in the same line as the prescribed professional qualification.

8. The above distinction also stands recognised by this Court in **CWP-14254-2022** and connected case, titled as ***Nipun Syal and others vs. State of Punjab and others***, decided on **26.08.2025**, wherein it was held that the principle laid down in ***Manjit Singh's case (supra)*** is confined to cases where the higher qualification is in the same discipline and the question of equivalence of educational qualifications falls within the domain of the employer or expert bodies and not the writ Court. The said view is consistent with the law laid down by the Hon'ble Supreme Court in ***Ganpath Singh Gangaram Singh Rajput v. Gulbarga University, (2014) 3 SCC 676*** and ***Devender Bhaskar v. State of Haryana, 2022(1) SCT 51***, wherein it has been reiterated that equivalence of qualifications is a technical academic matter to be determined by the competent authority and cannot be assumed or declared by the Court in exercise of its writ jurisdiction.

9. Applying the aforesaid principles, this Court finds that the Haryana School Education (Group-C) State Cadre Service Rules, 2023, prescribe specific professional teaching qualifications for the post of TGT (Arts). The requisite educational qualifications, reads as under:-

(i) B.F.A/B.A. from a recognized university with atleast 50% marks in Art as elective or Honours subject and as a Art teaching subject in BTC/JBT/D.Ed. (Diploma in Education)/ D.El.Ed. (Diploma in Elementary Education).

OR



B.F.A./B.A. from a recognized university with atleast 50% marks in Art as elective or Honours subject and as a Art teaching subject in Bachelor of Education (B.Ed.)/B.Ed. (Special Education) in accordance with the National Council for Teacher Education (Recognition Norms and Procedure) regulations issued from time to time in this subject;

OR

Four years Bachelor in Elementary Education (B.El.Ed.) with atleast 50% marks in Art subject;

OR

Four years integrated B.F.A/B.A/B.Ed. with atleast 50% marks in Art subject.

(ii) Certificate having qualified Haryana Teachers Eligibility Test (HTET) /School Teacher Eligibility Test (STET); and

(iii) Hindi or Sanskrit as one of the subject in Matric or Hindi as one of the subject in Higher Education.

10. The aforesaid qualifications require not only knowledge of the subject but also training in teaching the same. An M.A. (Fine Arts/Painting) is only an academic qualification and cannot substitute the prescribed professional qualification of B.Ed. with Art as a teaching subject. In the absence of any material showing that the two qualifications are equivalent, this Court cannot hold that M.A. (Fine Arts/Painting) is a higher qualification in the same line as the prescribed professional qualification.

11. The Government Instructions dated 25.03.2016 also do not support the case of the petitioner. The benefit of those Instructions is



available only where a candidate possesses a higher qualification in the same line as the prescribed qualification. As already held above, the petitioner's M.A. (Fine Arts/Painting) is not in the same professional stream as B.Ed. with Art as a teaching subject. Consequently, the said Instructions have no application in the case of the petitioner.

12. Furthermore, the petitioner's reliance upon the Minutes of the Expert Committee dated 18.07.2024 is also misplaced. A bare reading of the said Minutes of Meeting shows that the same deals with the candidates who possessed "Creative Drama, Fine Arts & Education" as a subject in their professional teaching qualification and merely record that their eligibility required consideration by experts. The Minutes of Meeting neither amend the statutory Rules nor declare M.A. (Fine Arts/Painting) to be equivalent to the prescribed qualification. Moreover, the petitioner admittedly acquired the Additional Teaching Subject of Arts in B.Ed. only on 21.12.2023, much after the cut-off date of 15.03.2023. Therefore, the Minutes of Meeting also do not advance the petitioner's claim of eligibility.

13. Moreover, this Court, in **CWP-20338-2026**, titled as ***Deepika v. State of Haryana and another***, decided on **08.07.2026**, after relying upon the judgment rendered by the Hon'ble Supreme Court in ***Mohit Kumar v. State of Uttar Pradesh and others***, **2025 SCC Online SC 1125**, as well as the Division Bench judgment of this Court in **LPA-1397-2025**, titled as ***Haryana Public Service Commission v. Pardeep Kumar and others***, decided on **03.11.2025**, has held that the terms and



conditions of a recruitment advertisement are binding on all candidates and are required to be strictly complied with. It has further been held that the requirement of furnishing the prescribed certificate on or before the stipulated cut-off date constitutes a substantive eligibility condition and not a mere procedural formality. Therefore, a candidate who fails to comply with such a mandatory condition cannot seek relaxation by invoking the writ jurisdiction of this Court.

14. For the reasons recorded hereinabove, this Court finds no illegality or infirmity in the impugned order dated 17.03.2026. The petitioner admittedly did not possess the prescribed qualification of B.Ed. with Art as a teaching subject as on the cut-off date, i.e. 15.03.2023. The petitioner’s M.A. (Fine Arts/Painting), being an academic qualification, cannot substitute the mandatory professional teaching qualification prescribed under the Haryana School Education (Group-C) State Cadre Service Rules, 2023. The view taken by respondent No.2 is in accordance with the statutory Rules and the settled principles governing equivalence of qualifications and, therefore, does not call for interference by this Court under Article 226 of the Constitution. Accordingly, the present petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

15.07.2026

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