CNR No: PHHC011140222023
2026:PHHC:136541

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

CWP-20028-2023
Date of decision: 22.09.2026

Ranpal Singh Panwar ....Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Parth Goyal, Advocate and
Mr. Jawahar Lal Goyal, Advocate
for the petitioner.

Mr. Aakash Singla, Addl.A.G., Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned final result dated 12.01.2019 (Annexure P-10), final result (remaining) dated 05.09.2019 (Annexure P-13), final result (waiting) dated 07.07.2021 (Annexure P-14), result dated 06.09.2022 (Annexure P-15) and impugned detailed result issued on 27.10.2022 (Annexure P-18) *qua* the petitioner and the last selected candidate with 115 marks under General Category, to the extent that the petitioner had been awarded 114 marks and kept out of zone of selection by not being awarded marks for experience correctly as per his entitlement. Further, for issuance of a writ in the nature of *mandamus* directing the respondents to select and appoint the petitioner on the post of PGT Mathematics (RoH) against advertisement No.4/2015 (Annexure P-1) category No.10 by awarding minimum 03 more marks i.e. total 4+3=7 marks under the head of experience, making it a total of 117 marks which is

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above the cut off for General at 115 marks along with all consequential benefits from the date candidate lower in merit has been selected.

CONTENTIONS

2. Learned counsel for the petitioner *inter alia* contends that the petitioner participated in the selection process initiated vide Advertisement No.4/2015 (Annexure P-1) published on 28.06.2015 by the respondent-Commission, whereby, various posts of Post Graduate Teachers under the School Education Department were advertised. The petitioner applied for the post of PGT (Mathematics) under Category No.10 being duly qualified before the cut-off date. The petitioner applied under the General Category and was found eligible in the selection process. However, the dispute pertains to the entitlement of the petitioner to 06 marks towards 03 years' experience. The petitioner refers to the experience certificates (Annexures P-3 to P-6) and submits that he served as School Lecturer from 01.07.2009 to 21.10.2015 and that the break in service was only on account of summer vacations. Further, perusal of Annexure P-6 indicates that the petitioner served the concerned Institute as Lecturer (Mathematics) from 06.09.2013 to 27.10.2016. The petitioner had scrupulously declared his credentials in the application form (Annexure P-2) and furnished correct details regarding his experience. However, he was awarded only 04 marks for experience, whereas, he is entitled to 06 marks on the basis of his experience of more than 03 years.

2.1. Learned counsel for the petitioner refers to the Haryana State Education Lecturer School Cadre (Group C) Service Rules, 1998 (hereinafter referred to as the ‘1998 Rules’) (Annexure P-21) and submits that the essential

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qualification for the post in question was prescribed at Page Nos.116 and 117 thereof. Perusal of the same indicates that for the post of Lecturer in Mathematics, the essential qualification prescribed was M.A./M.Sc. Mathematics/Mathematical Statistics with at least 50% marks from a recognized University. The aforesaid essential qualification was subsequently altered when the Haryana School Education Cadre (Group-D) Service Rules, 2012 (hereinafter referred to as the '2012 Rules') were notified on 11.04.2012 (Annexure P-23). He further refers to the essential qualification prescribed for the post of PGT (Mathematics) and submits that in addition to the essential qualification mentioned in the 1998 Rules, the qualification of Bachelor of Education was added. The conjoint reading of both sets of Rules (Annexures P-21 and P-23) indicates that the earlier nomenclature of the post in question was 'Lecturer', whereas, after implementation of the 2012 Rules, the said post came to be designated as Post Graduate Teacher and the qualification was also altered. The departure from the 1998 Rules was thus made in the year 2012.

2.2. Learned counsel further submits that the Government of Haryana inserted Rule 19-A as a transitional provision on 02.07.2012. A copy of the notification has been produced in Court and is taken on record as Mark 'X'. Perusal of the inserted Rule 19-A indicates that a person fulfilling the conditions enunciated under Notes (i) and (ii) of Appendix-B to the said Rules and possessing the qualification prescribed under Column 3 against the respective post under the 1998 Rules (Annexure P-21) would also be eligible for recruitment as a one-time measure, provided such person qualified the Haryana Teachers Eligibility Test (HTET) and acquired the B.Ed. qualification

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by 01.04.2015. In case of failure to do so, his appointment was liable be terminated automatically without any further notice.

2.3. The petitioner, admittedly, acquired his B.Ed. degree on 09.07.2014 i.e. prior to 01.04.2015, as stipulated in the notification dated 02.07.2012 (Mark 'X'). Learned counsel further submits that the criteria for teaching experience prescribed in the advertisement *(supra)* is required to be considered with reference to the essential qualification. Perusal of the said criteria indicates that experience is to be considered only after acquiring the essential qualification. However, the same cannot be read in isolation from the conscious policy decision taken by the State of Haryana, whereby, the Rules were amended and transitional provision under Rule 19-A was inserted.

2.4. As such, the experience qualification, when considered in the context of the transitional provision, has to be read with reference to the essential qualification prescribed under the 1998 Rules (Annexure P-21), wherein, B.Ed. was not an essential qualification. Consequently, in view of the notification dated 02.07.2012 (Mark 'X'), the petitioner is entitled to 06 marks on the basis of his experience certificates (Annexures P-5 and P-6), which were duly countersigned by the Director, Secondary Education.

3. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner having participated in the selection process, after taking a chance therein and being unsuccessful, cannot be permitted to make a U-turn and challenge the terms of the advertisement *(supra)*. Further, learned State counsel submits that

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the respondents have rightly not awarded 06 marks to the petitioner towards experience, as the petitioner admittedly acquired the B.Ed. degree only on 09.07.2014 and in terms of the criteria prescribed in the advertisement *(supra),* the experience is to be counted only from the date of acquiring the essential qualification.

OBSERVATIONS AND ANALYSIS

4. Having heard learned counsel for the parties and after perusal of the records, it transpires that the petitioner participated in the selection process for the post of PGT (Mathematics) as a General Category candidate and secured 110 marks, without being awarded any marks towards teaching experience. The essential qualification for the post in question was prescribed in the advertisement *(supra)* in accordance with the 2012 Rules (Annexure P-23). Perusal of page No.132 of the said Rules reveals that Appendix 'B' prescribes the designation of the post, academic qualifications and experience for direct recruitment, as well as the academic qualifications and experience for appointment by way of promotion. The relevant entry prescribing the essential qualification for the post of PGT (Mathematics) reads as under:-

> ***"14. PGT Mathematics***
>
> *i) M.A./M.Sc. Mathematics/Applied Mathematics with Mathematics as one of the subject at Graduation level with at least 50% marks and B.Ed. from recognized university;*
>
> *ii) Matric with Hindi/Sanskrit or 10+2/B.A./M.A. with Hindi as one of the subject.*

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iii) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET).

iv) Consistent good academic record."

4.1. The post of PGT (Mathematics) was earlier known as Lecturer (Mathematics). After the 2012 Rules (Annexure P-23) came into force, the existing cadre of Lecturers was converted into the PGT cadre. The essential qualification for the post of Lecturer (Mathematics) was prescribed in Appendix 'B' appended to Rule 9 of the 1998 Rules (Annexure P-21), which reads as under:-

"12. Lecturer Math.

i) M.A./M.Sc.Math/Mathematic Statistics with at least 50% marks from recognized university;

ii) Knowledge of Hindi up to Matric standard"

4.2. The criteria prescribed for the post of Lecturer under the 1998 Rules (Annexure P-21) was changed in the year 2012 with the implementation of the 2012 Rules (Annexure P-23). In addition to a Post Graduate Degree in Mathematics with at least 50% marks, a candidate seeking appointment to the post of PGT was also required to possess a Bachelor of Education degree from a recognized University.

4.3. Keeping in view the hardship faced by Lecturers serving in various teaching institutions due to sudden change in essential qualification for the post

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of P.G.T., a notification dated 02.07.2012 (Mark 'X') was issued, whereby, an amendment was carried out in the Rules. The said Rules were called the Haryana State Education School Cadre (Group B) Service (Second Amendment) Rules, 2012 and were given effect from 11.04.2012. Rule 19-A was inserted by way of the said amendment, which reads as under:-

> ***"19 A. Transitional provision.****-The person fulfilling the conditions enunciated under note (i) or (ii) (a) of Appendix B to these rules and possess the qualifications under column 3 mentioned against the respective posts in the Haryana State Education Lecturer School Cadre (Group C) Service Rules, 1998, shall also be eligible for recruitment as a one time measure:*
>
> *Provided that such person shall have to qualify the Haryana Teachers Eligibility Test (HTET) and B.Ed. by Ist April 2015 and if he fails to do so, his appointment shall stand terminated automatically without giving any further notice."*

3. In the said rules, in Appendix B, for note (i), the following note shall be substituted, namely:-

> *"(i) That in case of direct recruitment, the teachers working in privately managed Government aided, recognized and Government schools, are exempted from having qualifications of Haryana Teachers Eligibility Test or School Teachers Eligibility Test and B.Ed. as described in column 3, if they have worked as a teacher for a minimum period of four years on the date of enforcement of these rules.".*

4. In the said rules, in Appendix B, for note (ii), the following note shall be substituted, namely:-

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> *"(ii) (a) A person who has passed Haryana Teachers Eligibility Test or School Teachers Eligibility Test without the qualification of B.Ed., before the notification of these rules, shall also be considered eligible for the post of PGT in the case of direct recruitment as one-time measure in the first recruitment to be held after amendment of these rules.*
>
> *(b) The condition of 'Consistent Good Academic Record' wherever appearing in Appendix B, under column 3 of these rules shall not be made applicable during the first recruitment made under these rules, in the case of candidates eligible under note (i) or (ii)(a)"*

4.4. These Rules were framed under Article 309 of the Constitution of India and a conscious policy decision was taken to mitigate the hardship faced by the existing Lecturers upon implementation of the 2012 Service Rules (Annexure P-23). The proviso contained in the transitional provision under Rule 19-A clearly indicates that a candidate who was eligible under the erstwhile 1998 Rules (Annexure P-21) would also be eligible for recruitment to the post of PGT as a one-time measure, provided such candidate qualified the HTET and acquired the B.Ed. qualification by 01.04.2015. The petitioner admittedly acquired his B.Ed. qualification on 09.07.2014. Therefore, the teaching experience prescribed in the advertisement *(supra)* has to be considered in the light of Rule 19-A. The teaching experience prescribed in the advertisement *(supra)* is reproduced as under:-

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> ***"TEACHING EXPERIENCE***
>
> *Experience wherever applicable will be considered, only after acquiring the essential qualification along with details of salary of the concerned post and the experience must be countersigned by the Director, Secondary Education of the concerned State even for CBSE/Central Schools & Navodaya Vidhalaya. Teaching experience must be for the post of PGT of the relevant subject."*

4.5. The condition regarding passing of the HTET by 01.04.2015 was exclusively relaxed vide the Note under the eligibility mentioned in the advertisement *(supra)* which reads as under:-

> ***"Note- The candidates those who are having/passed HTET till the date of interview after advertisement will be allowed for interview on the basis of acquiring HTET (Test) till the date of interview."***

4.6. Admittedly, the interview was held on 09.11.2016 as reflected in para No.4 of the written statement filed on behalf of respondent No.3. The HTET certificate (Annexure P-7) indicates that the petitioner qualified the HTET on 25.07.2016. Further, the respondents have not raised any objection regarding the petitioner having qualified the HTET on the said date. The dispute is confined only to the grant of experience marks to the petitioner on the basis of the experience certificates (Annexures P-5 and P-6).

5. The petitioner's entitlement to marks for teaching experience must be determined in the light of the transitional protection conferred by Rule 19-A. Under the 1998 Rules (Annexure P-21), a Post-Graduate qualification with not

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less than 50% marks in the relevant subject constituted the prescribed qualification. The petitioner possessed the requisite qualification and had gained teaching experience before the 2012 amendment introduced B.Ed. as an additional qualification and provided that experience would be reckoned only from the date on which that qualification was acquired.

5.1. Rule 19-A, however, expressly preserved the eligibility of candidates governed by the 1998 Rules (Annexure P-21) and permitted them to acquire the B.Ed. qualification on or before 01.04.2015. The petitioner obtained the qualification on 09.07.2014, within the period prescribed by the Rule. Once his eligibility under the earlier Rules was expressly saved, the experience validly acquired under those Rules could not be retrospectively disregarded. Such an interpretation would render the transitional protection illusory and defeat its evident purpose. The amended criterion must, therefore, operate prospectively and cannot be applied so as to exclude experience accrued before the amendment. The petitioner is consequently entitled to two marks for each of his completed years of teaching experience, notwithstanding that he acquired the B.Ed. qualification subsequently.

6. Keeping in view the provision contained in Rule 19-A, the present petition is allowed. The respondents are directed to consider the experience of the petitioner as valid experience and award him the requisite marks for more than 03 years of experience. After adding the said marks, the respondents shall re-determine the petitioner's merit and in case, he secures marks higher than the last selected candidate in the General Category, consider him for appointment

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against the post in question. The candidates already selected and working on the post shall not be disturbed and in case no vacancy is available, a supernumerary post shall be created for appointment of the petitioner. The petitioner shall be entitled to notional benefits from the date of joining of his batch-mates. However, actual salary shall be payable only from the date of his actual joining.

7. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

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

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