

**IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH.**

CWP No.5329 of 2008
Date of decision: 30.9.2008

Balraj Singh

..Petitioner

Versus

State of Punjab & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA
HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. S.L. Bhalla, Advocate, for the petitioner
Mr. B.S. Chahal, DAG, Punjab.

Ashutosh Mohunta, J. (oral)

The petitioner applied for the post of Teacher (Primary Wing) in pursuance to the advertisement dated 5th September, 2007. The grievance of the petitioner is that although he was eligible for the post of Teacher but he has not been considered by the respondents despite the fact that he was possessing the B. Ed. Degree from Open University System, Bhartiya Shiksha Parishad, Lucknow (Uttar Pradesh).

Reply has been filed on behalf of respondents No.1 to 4 wherein it has been averred that the petitioner has passed Bachelor Programme in Education Course under distance education system from Bhartiya Shiksha Parishad, Uttar Pradesh, which is not recognized by the University Grants Commission as a University under Rule 2 (f) of the University Grants Commission Act, 1956, wherein it has been

averred as under:-

“It is further submitted that petitioner has passed Bachelor Programme in Education Course under distance education system from Bhartiya Shiksha Parishad, Uttar Pradesh which is not recognized by the University Grants Commission as a University under rule 2 (f) of the University Grants Commission Act, 1956. It is further submitted that as per the Advertisement the Professional Qualification possessed by the Applicant/Petitioner must be recognized by the National Council for Teacher Education Established by The National Council for Teacher Education Act 1993 (Act 73 of 1993) to maintain the standard of Teacher Education to provide statutory powers to the National Council for Teacher Education (herein after referred as NCTE), with the objective of determination, maintenance and Coordination of standard in teacher education and to empower the council to make qualitative improvement in the system of Teacher Education. The NCTE is also empowered to grant recognition to Institutes for Teacher Education etc. It is further submitted that it is an admitted fact that Bhartiya Shiksha Parishad, Uttar Pradesh, Luckhnow is neither established by any act of parliament or any act of state legislature nor degrees/ diplomas awarded by it in teacher education is recognized by the NCTE, hence the petitioner is not entitled to be considered for the post of teaching fellow not having valid professional qualification and the present writ petition is liable to be dismissed on this score alone.”

In view of the reply filed by the respondents, the

qualification possessed by the petitioner from Bhartiya Shiksha Parishad, Lucknow (Uttar Pradesh) is not recognized by the National Council for Teacher Education and hence the petitioner has rightly not been considered for the post of Primary Teacher.

No merit.

Dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

(RAJAN GUPTA)
JUDGE

September 30, 2008
'rajpal'