

**IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA****CWPOA No.632 of 2019****Decided on: 23rd April, 2026**

Sudesh Dogra

...Petitioner

Versus

State of Himachal Pradesh and another...Respondents

*Coram***Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge***Whether approved for reporting?*¹

For the petitioner:

Mr. Karan Singh Parmar, Advocate.

For the respondents:

Mr. Anup Rattan, Advocate General
with Mr. Rupinder Singh Thakur,
Additional Advocate General and Mr.
Sumit Sharma, Deputy Advocate
General.

Jiya Lal Bhardwaj, Judge (*Oral*)

The petitioner, by way of present petition, has sought directions to offer her appointment as Junior Basic Trained Teacher.

2. The precise grouse of the petitioner is that though she is in possession of the Diploma of Junior Basic Teacher training, (hereinafter referred as JBT), her candidature was not considered for the post of JBT. It has been averred that the

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*



petitioner approached the authorities by filing an application on 16.09.2010. However, the respondents replied to the same on 03.03.2011 (Annexure P-2), informing her that only those candidates, who have completed and successfully passed two years' Junior Basic Teachers Training Course/Diploma from an Institute affiliated with the H.P. Board of School Education and who were admitted strictly on merit, on the basis of the Common Entrance Test conducted by the said Board, would be eligible for appointment as JBTs in Himachal Pradesh, in accordance with the qualifications prescribed in the Recruitment and Promotion Rules.

3. The petitioner has placed on record information provided by the National Council for Teacher Education dated 30.06.2003 (Annexure P-3), wherein it is stated that the Council had recognized the D.Ed. Diploma Course from DIET Bhopal for 50 seats for the session 1999-2000. Since the petitioner has passed her Diploma Course of DIET from the said Institute, she was entitled to appointment to the post of JBT. The petitioner



has also placed on record the information received under RTI, dated 02.02.2010 (Annexure P-4), wherein respondent No. 2 informed that JBT teachers, who had completed their JBT/B.Ed./Nursery from outside the State of Himachal Pradesh had also been appointed as JBTs in the State. It has further been stated that there is no requirement to recognize any diploma or degree granted by an Institute as per the statutory list, and the National Council for Teacher Education, which is a statutory body, had granted recognition to the Madhya Pradesh School of Education Board to conduct the aforesaid courses. Since the petitioner had obtained admission in the year 1999-2000, she ought to have been offered appointment, and the inaction on the part of the respondents-State in not offering her appointment as JBT in the State of Himachal Pradesh is highly illegal, wrong, and arbitrary.

4. The respondents-State filed reply to the petition and averred that the Government had issued a Notification dated 21.07.2010 (Annexure R-I), vide which the candidates, who have



completed and successfully passed two years' Junior Basic Teachers Training Course/Diploma from an Institute affiliated with the H.P. Board of School Education and were admitted strictly on merit on the basis of the Common Entrance Test conducted by the said Board would be eligible for appointment as JBTs in Himachal Pradesh, in accordance with the qualifications prescribed under the Junior Basic Trained Teachers Recruitment and Promotion Rules. Since the petitioner had done her D.Ed. from DIET Bhopal in the year, 2001, she could not be considered for appointment against the post of JBT. It has further been averred that the State has now revised the Recruitment and Promotion Rules, vide Notification dated 23.08.2012 (Annexure R-II) for the post of Junior Basic Trained Teacher, Class-III (Non-Gazetted) to align with the NCTE norms, and the appointments are being made as per the revised rules. The petitioner can appear in the Teacher Eligibility Test conducted by the State of H.P. to attain eligibility for appointment. It has also been averred that the petitioner could



not be considered for appointment against the JBT post, since she had done her D.Ed. Diploma course from DIET Bhopal. It has further been averred that so far as the recognition for the D.Ed. Diploma Course for DIET Bhopal for 50 seats is concerned, it was granted for the session 1999-2000, whereas the petitioner had passed her DIET training in the year 2001, and as such, she was not eligible for appointment as per the Notification dated 21.07.2010 (Annexure R-I).

5. The petitioner has not filed rejoinder to the reply filed by the respondents-State.

6. I have heard the learned counsel for the parties and also perused the case file carefully.

7. It is not in dispute that the petitioner had completed her D.Ed. Diploma Course from DIET Bhopal in the year 2001. It is also not in dispute that NCTE had granted permission for 50 seats only for the year 1999-2000. The petitioner has not placed on record any document, suggestive of the fact, that the persons, who had obtained their diplomas in the year 2001



from the same institute, wherefrom she obtained her diploma, were offered appointment against the post of JBT by the respondents-State.

8. It is not out of place to mention at this juncture that the petitioner, for the first time, had approached the respondents seeking appointment as JBT on 16.09.2010, by which time the respondents had already issued Notification dated 21.07.2010 (Annexure R-I), wherein it was specifically mentioned that the candidates, who will complete and successfully pass the two years Junior Basic Teachers Training Course/Diploma from an Institute, which is affiliated with the H.P. Board of School of Education and had admitted students strictly on merit, on the basis of Common Entrance Test, conducted by the H.P. Board of School Education, would only be eligible for the appointment as Junior Basic Teacher in Himachal Pradesh.

9. In the present case, nothing has been placed on record to indicate that the petitioner, after obtaining the



Diploma in the year 2001, had ever approached the respondents-State prior to 16.09.2010. Further, it is by now settled that mere possession of the qualifications to the post, does not entitle a person to appointment to the post, until or unless the person competes with other eligible persons, that too, after issuance of an advertisement to fill up the post.

10. The petitioner has not placed on record any tangible material, suggestive of the fact, that the respondents-State had offered appointments to other candidates as JBTs, who had also obtained the diplomas from the same Institute in the year 2001 or thereafter. Since, no such material has been placed on record, the claim raised by the present petitioner in the present petition cannot be allowed.

11. Consequently, in view of the aforesaid reasoning, I do not find any merit in the petition and the same is accordingly dismissed. However, there shall be no orders as to cost. Pending miscellaneous application(s), if any, shall also stand disposed of.

23rd April, 2026

(ankit)

**(Jiya Lal Bhardwaj)
Judge**