

ITEM NO.24

COURT NO.13

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 7820/2013

[Arising out of impugned final judgment and order dated 21-12-2012 in CWP No. 15929/2012 passed by the High Court of Punjab & Haryana at Chandigarh]

SHIVANI GUPTA & ORS.

Petitioner(s)

VERSUS

THE STATE OF HARYANA & ORS.

Respondent(s)

IA No. 56175/2022 - EXEMPTION FROM FILING O.T.
IA No. 56174/2022 - INTERVENTION APPLICATION
IA No. 16895/2023 - INTERVENTION/IMPLEADMENT
IA No. 51722/2022 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 8593-8594/2013 (IV-B)
(FOR STAY APPLICATION ON IA 3/2014
IA No. 3/2014 - STAY APPLICATION)

SLP(C) No. 9456-9460/2013 (IV-B)
(IA NOS. 6-10, 15-19 MAY BE SHOWN AS APPLICATIONS FOR DIRECTIONS,
STAY RESPECTIVELY
IA No. 15/2014 - STAY APPLICATION)

SLP(C) No. 12629/2013 (IV-B)

SLP(C) No. 10128/2013 (IV-B)

Date : 20-11-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Jasbir Singh Malik, Adv.
Ms. Rhythm Bharadwaj, Adv.
Ms. Anjali, Adv.
Mr. Shivraj Singh, Adv.

Mr. Varun Punia, AOR

Ms. Preetika Dwivedi, Adv.
Mr. Abhishek Chaudhary, AOR

Mr. John Mathew, AOR

Mr. Himanshu Gupta, Adv.
Mr. Manoj C. Mishra, AOR

For Respondent(s) Mr. Milind Kumar, AOR

Mr. Akshay Amritanshu, AOR
Ms. Drishti Saraf, Adv.
Ms. Pragya Upadhyay, Adv.
Ms. Swati Mishra, Adv.

Ms. Sushma Suri, AOR
Mr. Gopal Singh, AOR

Mr. K.M.Nataraj, A.S.G.
Mr. Amrish Kumar, AOR
Mr. Vimla Sinha, Adv.
Mr. Praveena Gautam, Adv.
Mr. Neela Kedar Gokhale, Adv.
Mr. Vinayak Sharma, Adv.

Mr. Shashi Bhushan, Adv.
Mr. Karan Chahar, Adv.
Ms. Pooja Chahar, Adv.
Ms. Jyoti Chahar, Adv.
Ms. Bharti Badesra, AOR

Mr. Varinder Kumar Sharma, AOR
Mr. Shantanu Sharma, Adv.
Ms. Deeksha Gaur, Adv.

Mr. Narender Hooda, Sr. Adv.
Ms. Pallvi Hooda, Adv.
Mr. Shiv Bhatnagar, Adv.
Mr. Yuvraj Nandal, Adv.
Ms. Tannu, Adv.
Dr. Surender Singh Hooda, AOR
Mr. Ashish Kumar Pandey, Adv.
Mr. Rahul Rathore, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The Special Leave Petitions arise out of the judgment passed by the High Court of Punjab & Haryana at Chandigarh dismissing the writ petitions¹ filed by the petitioners challenging the relaxation granted to the respondents with respect to the necessary qualifications as provided in Haryana State Education School Cadre (Group-B) Service Rules, 2012 (hereinafter, "Rules").
2. The relaxations that came to be challenged are found in Appendix B, Note (i) which was thereafter modified and further relaxed by amendment made in the same year, the cumulative effect of which is that the teachers working in privately managed Government aided, recognized and Government Schools, were exempted from having qualifications of Haryana Teachers Eligibility Test (HTET) or School Teachers Eligibility Test (STET) 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 rule. The amendment also introduced transitional provision in terms of addition of Rule 19-A enabling that candidates who are eligible under 1998 Rules, to be also eligible as a one-time measure if they qualify HTET and B.Ed within a specified period.
3. The challenge to aforesaid provisions by the petitioners is on the ground that by providing the impugned relaxations and exemptions the State Government is enabling backdoor entry to Guest Faculty Teachers.

1 CWP No. 15929 of 2012 dated 21.12.2012

4. The High Court considered the matter in detail and dismissed the writ petitions on the ground that the relaxation is granted merely as a one-time measure, as indicated in the notification. The High Court also held that the power of relaxation is within the executive power of the State and therefore it is neither illegal nor arbitrary.
5. The recruitments that have taken place in the year 2012 continued for more than a decade. Having examined the matter in detail, we are of the opinion that the decision to relax the rules is based on the need to adopt a one time measure to tide over certain exigencies. We are of the opinion that the judgment of the High Court does not warrant interference in exercise of our power under Article 136 of the Constitution of India.
6. Learned counsel for the petitioners have submitted that certain subsequent relaxations are challenged and they are pending consideration before the High Court. In the facts and circumstances of the case, we permit the petitioners to raise all such grounds as are permissible in law questioning the legality and propriety of the relaxation or exemption, if any, and the reasoning of the High Court in the order impugned shall not come in their way. The High Court shall examine the submissions on their own merits while disposing of the proceedings pending before it.
7. With these observations, the Special Leave Petitions are

disposed of.

8. Pending application(s) including intervention/impleadment shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)