

OFFICE OF DIRECTOR STATE COUNCIL OF EDUCATIONAL RESEARCH AND  
TRAINING PUNJAB

ORDER

Order No.9/230-2014 DIET (3)

Dated Mohali 14-6-18

WHEREAS, the petitioner had filed Civil Writ Petition No. 2461 of 2012-Kulwinder Kaur and others Versus State of Punjab and others, wherein the petitioner had challenged questions of Punjab State Teacher Eligibility Test held in 2011. The Hon'ble Court on 5-9-2014 had allowed the above said writ petition. The operative part of this order is reproduced here as under;

" 7. The writ petition in CWP No.11324 of 2014 is allowed and the petitioner shall also have benefit of favourable consideration and the respondents shall reappraise the petitioner in the light of the above observations and declare the petitioner as passed. This exercise shall again be undertaken within a period of two weeks from the date of receipt of copy of this order.

8. The decision is made under extraordinary circumstances detailed above and confined to the particular facts of the case. It shall have no precedent value."

And Whereas, the Department preferred LPA 1064 of 2015 against the said order dated 05.09.2014 passed by the Hon'ble High Court, which was dismissed on 16-10-2015. The relevant portion of order dated 16.10.2015 is reproduced as under:-

"The Committee had considered the four questions in respect of which the dispute was raised and has come to the conclusion that the answers which have been given by the learned Single Judge in its impugned order from his own resources would be somewhat similar and in any case rendering the answers key as incorrect. The benefit of four marks has been given to the respondents.

In the circumstance, it is submitted that nothing survives in the Letters patent appeal and the same has been rendered infructuous.

Accordingly, the appeal is dismissed as infructuous."

And Whereas, In compliance to the above order dated 5-9-2014 passed in Civil Writ Petition No. 2461 of 2012 and order dated 16-10-2015 passed in LPA No 1064 of 2015, the Department had given the benefit of 4 marks to the petitioners.

And Whereas, in light of above said order of Hon'ble Court, Civil Writ Petition 25794 of 2015-Ekta Sharma and others Versus State of Punjab and others and 25 similar Writ Petitions were filed by the different petitioners, with the prayer for granting the benefit of 4 marks to them in Punjab State Teacher Eligibility Test held in 2011. The Hon'ble Court allowed the said writ petition No 25794 of 2014 and other similar writ petitions by a common order dated 18.05.2016 with the following directions:-

" Learned counsel for the petitioners states that the duration of validity and active life of Punjab State Teacher Eligibility Test (PSJET) for purposes of

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seeking public employment is 07 years and in the event of success of the petition, the result of the PSTET will hold good till July, 2018, as per Annex P/12.

Since relief has been given by the learned Single Judge and appeal filed by the State has been declined, the petitioners would be entitled to the same benefits as was accorded to the respondent in the Letters Patent Appeal. This would however be subject to the petitioners having attempted the four identified questions as were subject matter of the judgments and orders of this Court in the aforesaid litigation.

In view of the above, the petitions are allowed subject to the above-mentioned condition being satisfied."

And Whereas, in compliance to above said order dated 18-5-2016 of the Hon'ble Court, the Department reconsidered the result of the petitioners and declared all the petitioners qualified as per their score by passing a Speaking Order.

And Whereas, the Civil Writ Petition No 11253 of 2017-Jaspreet Kaur and others versus State of Punjab and others and group of petitions were filed in the Hon'ble High Court with the prayer for issuance of directions to the State to grant benefit of 4 marks to the petitioners in respect of 4 disputed questions of the PSTET (Paper-II) in terms of the order dated 18.5.2016 passed in CWP-25794 of 2015, which has further been upheld in LPA No. 2148 of 2016 vide order dated 27.10.2016 and consequently declare the petitioners as passed and issue necessary certificate of the said test to the petitioners. The Hon'ble High Court disposed of the Civil Writ Petition No 11253 of 2017 and other similar writ petitions by passing a common order dated 25.09.2017 with the following directions:-

"I have noticed that the first writ petition in respect of these four questions was allowed as far as back in 2016. There is no reason why this general relief was not granted to all similarly situated candidates which has resulted in a situation where hundreds of candidates have been filing writ petitions for the same relief and each one of them individually is disposed of in terms of the original decision.

In the circumstances, it is directed that the respondents shall now review the answers of all the examinees and give necessary benefit of these four wrong questions to all of them who are entitled for the same without waiting for them to file writ petitions. Since this entire process has to be done electronically and since the State of Punjab has advertised posts of teachers for which the last date for application is 6.10.2017 this exercise be now conducted on or before 3.10.2017.

All the petitions stand disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

A copy of this order be handed over to the learned Assistant Advocate General under the signature of the Bench Secretary. "

And Whereas, in compliance to the abovesaid order of Hon'ble Court, the Department had revised the result of Punjab State Teacher Eligibility Test held in 2011 and uploaded on its website on 24-10-2017.

And Whereas, the Punjab State Teachers Eligibility Test, 2014 held on 24.08.2014 was also challenged by the petitioners in CWP-25300, 26504 & 26714-2014 and CWP-10405 & 11508-2015, involving common questions of law and facts. The petitioners, in these writ petition, seek a direction for granting of 4 grace marks on account of 4 wrong questions/options in the examination of the Punjab State Teachers Eligibility Test, 2014. The Hon'ble High Court disposed of the said writ petitions vide its common order dated 11.01.2017 with the following directions:-

"Resultantly, keeping in view the above, the writ petitions are partly allowed, to the extent that the answer key to question No.112 of Set-1 and its corresponding question in the other sets, was vague and not specific and on that account, the candidates of the said examination, i.e., PSTET, 2014, held on 24.08.2014 are entitled for the benefit of one grace marks. It is further clarified that apart from the petitioners, other candidates would also be entitled for the benefit, irrespective of the fact that whether they have approached this Court or not, as it has not been pointed out by the respondents that the said answer key was ever challenged in any other writ petition(s) and therefore, the said issue was never examined in complete perspective, as has been done by this Court. The answer key of the said question be, accordingly, corrected and the result be modified, accordingly, within a period of 4 weeks from the date of receipt of the certified copy of this order."

And Whereas, the State of Punjab preferred LPA No 1280 of 2017 against the above said order dated 11.01.2017 passed by this Hon'ble Court in CWP No 25300 of 2014, which was dismissed by the Hon'ble High Court vide its order dated 16.11.2017

And Whereas, the Punjab State Teacher Eligibility Test-2016 was also challenged in CWP No 10597 of 2017- Jaswant Kaur and another Versus State of Punjab and others, which was decided by the Hon'ble High Court vide its order dated 22.09.2017 with the following directions:-

"Counsel for the petitioners states that he would be satisfied with this assurance but the fact of the matter is that 3500 posts of Teachers have been advertised the last date of submitting applications for which is 6th of October, 2017 and the respondents should be directed to finalize this reference within 10 days or in the alternative the petitioners be directed to be provisionally considered for those posts.

Learned AAG Punjab is not in a position to deny either of these two prayers in view of the statement.

In my opinion, the first option would be more appropriate. In the circumstances, the respondents are directed to refer the questions to an independent body and take a final decision thereon on or before 3.10.2017.

This writ petition stands disposed of accordingly.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of."

And Whereas, in compliance of above said orders regarding the disputed questions of Punjab State Teacher Eligibility Test-2014 and Punjab State Teacher Eligibility Test-2016, the Department has revised the result of Punjab State Teacher Eligibility Test-2014 and 2016 accordingly.

And Whereas, since the controversy regarding recruitment of teachers are based on Teacher Eligibility Test. The revised result of Punjab State Teacher Eligibility Test-2011, 2013, 2014 and 2016 enable certain candidates to become eligible to apply for the posts against earlier appointments, but it is not legally as well as administratively possible for the Department to consider the candidates for such posts at such a stage.

Keeping in view the revised result of Punjab State Teacher Eligibility Test- 2011, 2013, 2014 and 2016 and the judgments delivered by the Hon'ble Court, it is decided that the revised result would be made applicable only from the date on which the Hon'ble Court has passed the orders. Therefore, the candidates who during that intervening period might have crossed the prescribed age limit would be given the benefit of age relaxation of that period in the forthcoming recruitment. Furthermore, during the intervene period during which case remained pending as the certificate of Teacher Eligibility Test is valid for a period of seven years from the date of passing of such examinations therefore, this relaxation may also be given to such candidates and the candidates applying in 3582 posts, the recruitment process of which is going on, will be considered by the Department.



**Krishan Kumar (IAS)**  
**Secretary to Govt of Punjab**  
**Department of School Education**

Endst No. 9/230-2014 DIET (3) Dated Mohali 18-6-18

1. Director General School Education, Punjab.
2. Director Public Instructions (S.E.), Punjab.
3. Director Public Instructions (E.E.), Punjab.
4. Director, Education Recruitment Board, Punjab.

  
**Director, SCERT**  
**Punjab**