

Punjab State Elementary Education (Pre-Primary School Teachers) Group "C" Service Rules, 2020 – 100% reservation , not permissible – As per Appendix B, 100% appointment was to be done by direct appointment – The issue of 100% reservation has always been frowned upon by the Courts whether it was in the form of public employment or in the form of providing reservation on institutional basis in admissions by excluding all others from applying – Interference has to be proportionate if the need is of such interference, keeping in mind the law of proportionality and the exercise needs to be taken with the legitimate goal in restricting the right wherever it would impair the freedom as little as possible – Court is of the opinion that the State can fill up the posts of Pre-Primary School Teachers under the Group-C Service Rules, 2020 by only allowing 50% reservation of the posts totalling 8393, to give the benefit to the Education Volunteers etc. under Clause 5(iii) – The balance 50% would have to be left out to the other categories, for consideration – Where challenge in the present writ petition, filed under Articles 226/227 of the Constitution of India is to the First Amendment made on 07.09.2021 in the Punjab State Elementary Education (Pre-Primary School Teachers) Group "C" Service Rules, 2020 – By virtue of the said amendment in Appendix-B against Sr.No.1 under Column No.5, substitution was done of Clause 5 regarding the eligibility criteria prescribed for appointment of Pre-Primary School Teachers wherein experience of 3 years as Education Provider, Education Volunteer, Education Guarantee Scheme Volunteer (EGSV), Alternative or Innovative Education Volunteer (AIEV), Special Training Resource Volunteer (STRV) or Inclusive Educational Volunteer (IEV) of Government run schools of the State of Punjab, was prescribed as one of the essential qualification in Clause 7 5(iii).

2022 PLRonline 0094 , (2022-2)206 PLR 133 (SN)

Najar Singh v. State of Punjab , 2022 PLRonline 0094 , (2022-2)206 PLR 133 (SN)