

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.1231 of 2013

Date of decision: 22.12.2015

Micky

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

DEEPAK SIBAL, J. (Oral)

Neither on 14.09.2015 nor today, there is appearance on behalf of the petitioner.

Through the present petition, the petitioner challenges the order dated 12.11.2012 (Annexure P-6) through which, her application for consideration of her candidature for appointment to the post of PGT Economics has been rejected on the ground that her experience certificates have not been counter signed by the Director Secondary Education, Haryana, as was required to be done before the prescribed cut off date.

After hearing learned counsel for the State and perusal of the record the uncontroverted facts which emerge are that through advertisement dated 07.06.2012, the respondents invited applications for appointment of Post Graduate Teachers (PGT).

Amongst others 449 posts of PGT Economics were advertised. One of the requisite qualifications was that the candidate should have passed the Haryana Teacher Eligibility Test/School Teacher Eligibility Test but as a one time exception candidates who had not passed either of the earlier mentioned tests but who had a minimum of four years of experience in private managed government aided schools, recognized schools and government schools were made eligible provided that they would qualify either of the aforementioned tests by 01.04.2015. It was further provided in the advertisement that the requisite experience certificate of four years for the grant of relaxation from having passed either of the tests was required to be verified by the District Education Officer and counter signed by the Director of Secondary Education and submitted before the cut off date which was 11.04.2012.

In this regard, Note 2 and 3 of the advertisement are reproduced as below:-

"Note 2: A one time exemption of HTET/STET has been granted to the candidates who have worked for minimum 4 years till 11.04.2012 in privately managed Govt. Aided Schools, Recognized Schools and Govt. Schools. Candidate must be in service on 11.04.2012 in addition to being in position on the date of applying for the said post. They will have to qualify HTET not later than 1st April 2015 otherwise their services will be terminated automatically. Qualification/eligibility conditions and certificates will be determined with regard to last date fixed for submission of online applications also called as closing date given in the advertisement.

*Note 3: One time exemption certificate for HTET/STET & one time upper age relaxation certificate from Head of the Institute is required to be verified by DEO & counter signed by Director of Secondary Education of the concerned State. One time implies that an applicant can apply only once for a particular category of post in the first advertisement. **No such exemption will be granted in the subsequent advertisement.**"*

It is the admitted case that the petitioner has not passed either of the earlier referred tests. It is further the uncontroverted position that the certificate showing four years of teaching experience of the petitioner which was required to be submitted after counter signatures of the Director Secondary Education, Haryana, for seeking exemption from passing of either of the aforementioned tests was not produced by the petitioner as required.

That being so, the case of the petitioner is fully covered against her by the decision of this Court in "**CWP No.19921 of 2012 titled as Harinder Singh vs. State of Haryana and others**" decided on 07.04.2015 wherein it has been held as under:-

"It is apparent from terms and conditions of the advertisement that the petitioner was required to bring necessary certificates/documents at the time of verification/scrutiny of documents and all the documents should have been complete in all respects before the cut off date i.e. the closing date of submission of online application i.e. 15.7.2012. The eligibility was to be determined on the last date of submission of online application i.e. 15.7.2012. It was also the requirement that experience certificate

was to be counter signed by Director Secondary Education upto 16.8.2012. In the present case, the experience certificates were not countersigned by the Director so the experience certificates submitted by the petitioners could not be taken into consideration to determine the eligibility as the same was contrary to the conditions mentioned in the advertisement/corrigendum. Moreover, the connected petitions as mentioned in the arguments of learned State counsel have already been dismissed by passing a speaking order. It is also relevant to mention here that experience certificates submitted by the petitioner are of the school, which is unaided. The judgments relied upon by learned counsel for the petitioner are not applicable in the facts and circumstances of the present case.

Accordingly, there is no merit in the contentions raised by learned counsel for the petitioner and the petition being devoid of any merits hereby dismissed."

From the above quoted judgment rendered by this Court, it is clear that if a candidate did not possess the requisite experience certificate with counter signatures by the Director Secondary Education, Haryana, he/she could not be considered eligible.

The aforementioned facts and the position of law remain uncontroverted.

Dismissed.

No costs.

(Deepak Sibal)
Judge

22.12.2015