

CWP No.14156 of 2013
Date of decision: 21.07.2015

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

- Mr. Hitesh Pandit, Addl.A.G.Haryana with
Mr. Keshav Gupta, AAG, Haryana.

The petitioner has knocked the door of this Court challenging the impugned order dated 08.10.2012, Annexure P-5, whereby, his candidature has been rejected on six grounds, after interview. Though at threshold, Mr. Hitesh Pandit, learned Additional Advocate General, Haryana, submits that point Nos.7 and 8 are not in existence, as they have already been set aside by this Court, for the sake of brevity, the points on which candidature of the petitioner has been rejected are extracted, herein below:-

1	No 4 years PGT experience after PG
2	Not in service on 11.04.2012
3	Not in position on date of application.
4	Not completed 4 years experience in School Cadre
5	Experience certificate not verified by DEO
6	Experience certificate not countersigned by Director of respective State

Mr. Manohar Lall, learned counsel appearing on behalf of the petitioner submits that petitioner at the time of interview had given the experience certificates issued from the office of the Principal Government Girls Senior Secondary School, Sector 20-B, Chandigarh, Regional Vocation Training Institute for Women and the Education Department, Haryana, copies of which have been annexed as Annexures R-1, R-2 and R-3, respectively. Thus, ground of rejection No.6, as indicated in the impugned order is fallacious, as all the certificates have been countersigned except one which has been issued by the Deputy Director of Training/Principal, Regional Vocational Training Institute for Women, which is a Central Government Institute and there is no post of Director Secretary Education in the Centre. He further submits that therefore, ground of rejection No.9 could not be pressed by the State as the petitioner had 04 years experience in the School Cadre and all the experience certificates are verified by the DEO. He further submits that conditions/notes imposed in the advertisement are contrary to the reasons assigned in impugned order. For the sake of brevity, relevant Note No.2 published in the advertisement is extracted herein

below:-

“Note No.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 Government 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 service 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.”

He further submits that petitioner had applied under Category No.8 of the Advertisement for the post of PGT Home Science. He has also drawn attention of this Court to the letter dated 28.05.2013 obtained under Right to Information Act, on the subject of eligibility for admission in BA/B.Com. As per the said letter, vocational course is considered to be equal to 10+2 and therefore, the petitioner is having qualification equivalent to B.A./B.Com. For the sake of brevity, the contents of the said letter are extracted herein below:-

“Subject: Eligibility for admission in B.A./B.Com.

With reference to your letter dated 15.5.2013 information regarding item Nos.01 and 02 is as under. Because

vocational course is considered to be equal to 10+2, therefore, the students are eligible to take admission in B.A./B.Com. But in this connection copy of new rules or any letter is not available in the college. In this regard, you can contact Kurukshetra University, Kurukshetra.

Sd/-

*Public Information Officer
Office of Government College, Naraingarh.”*

The petitioner was given seven days time to give representation against the impugned order dated 08.10.2012 Annexure P-5, which is stated to have been filed vide Annexure P-7. However, the State has not deliberated upon the same nor has conveyed the reasons, much less, taken any cognizance to the legal notice Annexure P-17 which had been sent subsequently.

Mr. Hitesh Pandit, learned Additional Advocate General, Haryana submits that the experience certificate does not pertain to the recognized school and it pertains to a vocational institute which could not be counted in the experience, as envisaged in the advertisement. Experience Certificate Annexure R-2 as the Guest Lecturer is not of regular school. As per Annexure R-3, the petitioner had not performed the duty of Lecturer but was working as ABRC, therefore, the impugned order had rightly been passed and is liable to be sustained.

Mr. Lall, in rebuttal submits that Annexure R-3 may not be

taken into consideration, even as per Annexure R-1 and R-2, petitioner has four years experience

I have heard learned counsel for the parties and appraised the paper book.

All the objections taken in the impugned order basically pertains to the fact that petitioner is not having experience of four years as per the advertisement and experience certificates given by the petitioner were/are not countersigned.

I have gone through the experience certificates, Annexures R-1, R-2 and Annexure R-3. Annexure R-1 has been duly countersigned by DEO. Experience Certificate R-2 has been issued by the Deputy Director of Training/Principal as there is no post of Director Secretary Education in the Centre. This fact has not been noticed by the authority while rejecting the candidature of the petitioner. Even information received under RTI, Annexure P-11 also shows that the vocational course is considered to be equal to 10+2, therefore, the objection that the petitioner did not have experience from a recognized or regular school raised on behalf of the respondents, is not sustainable, much less, no force. As per Note No.2, of the advertisement, the candidate must have worked for minimum 04 years till 11.04.2012 in privately managed Government Aided Schools, Recognized Schools and Government Schools.

In view of the letter dated 28.05.2013, extracted supra, it leaves no manner of doubt that the vocational courses are equivalent

to 10+2 and therefore, cannot be taken to be not covered “from Government Aided School, Recognized Schools and Government Schools.” Reply of the State is conspicuously absent with regard to the representation and the legal notice submitted by the petitioner as the petitioner when communicated with the impugned order was given 07 days time to file representation which is stated to have been filed vide Annexure P-7 and the same has not been decided so far.

In view of what has been observed above, ground of rejection, as indicated in the impugned order dated 08.10.2012, Annexure P-5, is hereby quashed and the writ petition is allowed.

Respondents are directed to declare the result of the petitioner forthwith and in case, she is found eligible she would thus offered appointment for the post of PGT Home Science and on appointment entitled to all consequential benefits.

(AMIT RAWAL)
JUDGE

July 21, 2015
savita