

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 19921 of 2012

DATE OF DECISION: 07.04.2015

Harinder Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. D.S. Malik, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. D.A.G., Haryana.

DAYA CHAUDHARY, J.

An advertisement dated 6.6.2012 was published in local newspapers on 7.6.2012 for inviting applications for the posts of Post Graduate Teacher (PGT) HES-II (Group 'B') Service. Thereafter, a corrigendum was issued on 2.7.2012 by modifying the advertisement. As per condition No. 3 (c) (i) of the Corrigendum (Annexure P-2), the candidates who have worked as teachers for a minimum period of four years till 11.4.2012 in privately managed Government aided schools/ recognized schools and Government schools and were in service on 11.4.2012 were exempted to acquire qualifications of passing HTET/STET and B.Ed as one time measure. The petitioner having requisite experience

on the cut off date i.e. 15.7.2012 applied for the said post. He was allotted the roll number and was also issued the interview letter on 16.7.2012. The interview was scheduled to be held on 27.9.2012. As per directions issued by respondent No.3, the experience certificate was to be counter signed by the Director Schools/Elementary Education Officer of the concerned State and the same was to be submitted at the time of interview. The certificates submitted by the petitioner were not accepted as the same were not countersigned and he was not allowed to appear before the Interview Committee inspite of making request by the petitioner. The same was declined by raising certain objections. When request of the petitioner was not accepted, the present petition was filed, wherein, notice of motion was issued on 5.10.2012. A direction was also issued to Director Secondary Education, Haryana to countersign the experience certificates of the petitioner, if otherwise it was in order. The petitioner was provisionally allowed to be interviewed by Selection Committee but it was directed that his result be not declared till further orders. However, it was mentioned that interim order shall not confer any right, equity or claim in favour of the petitioner in any manner.

Learned counsel for the petitioner contends that in view of directions issued by this Court on 5.10.2012, the petitioner was interviewed provisionally but his result has not been declared. Learned counsel further submits that the petitioner would be satisfied in case direction is issued to the respondents to declare his result. Learned counsel also submits that even on merits, the petitioner has a good case as his claim has wrongly been rejected only on the ground that his experience certificates were not countersigned before the cut off date, whereas, the date was extended time and again and some of the candidates were even allowed to submit their experience certificates after countersigning. It is also the contention

of learned counsel that experience certificates of the petitioners were of the period prior to cut off date but the same were not countersigned. The petitioner was also allowed to appear before the Selection Committee after issuance of directions by this Court and respondents were directed to countersign the certificates but inspite of this the result of the petitioner has not been declared so far.

Learned counsel for the respondent-State submits that not only an objection of not countersigning experience certificate was there but three more objections were also raised, which were conveyed to the petitioner. Learned counsel further submits that the similar controversy was there in C.W.P. No. 22760 of 2014 titled as **Indu Bala Vs. State of Haryana and others**, which was dismissed on 24.1.2014 and the case of the petitioner is squarely covered by the said decision, wherein, judgment of Division Bench of this Court in **Manju Yadav Vs. State of Haryana and others** (C.W.P. No. 23099 of 2012) decided on 4.12.2012 has been relied upon. Reliance has also been placed on judgment passed by this Court in C.W.P. No. 15252 of 2012 titled as **Ajit Kumar Vs. State of Haryana and another** decided on 9.10.2012.

Learned counsel for the petitioner contends that the case of the petitioner is different from decisions of aforesaid cases as submitted by learned state counsel and case of the petitioner is squarely covered by the decision of this Court in C.W.P. No. 19259 of 2012 titled as **Shalini Vs. State of Haryana and others** decided on 9.9.2013. Learned counsel also submits that even the LPA filed against judgment of Single Bench judgment was dismissed on 22.1.2014.

Heard the arguments advanced by learned counsel for the petitioner as well as learned State counsel.

Admittedly, the petitioner applied for the post of Post Graduate

Teacher as per advertisement published on 7.6.2012. Thereafter a corrigendum was issued vide notification dated 2.7.2012 by modifying the advertisement. The petitioner applied for the said post but he was not allowed to appear before the Interview Committee as his experience certificates were not counter signed. The claim of the petitioner was rejected by raising objections from 5-A 5-B, 5-C, 5-F and 5-G. As per corrigendum the candidates who have already worked as teachers for a minimum period of four years till 11.4.2012 in privately managed Government aided Schools, recognized schools and Government schools and were in service on 11.4.2012 were exempted to acquire qualifications of passing HTET/STET and B.Ed as one time measure. The petitioner submitted two experience certificates dated 14.9.2010 (Annexure P-4) and 12.7.2012 (Annexure P-5). The period mentioned in experience certificate dated 14.9.2010 is from 1.9.2006 to 10.9.2010 and from 1.8.2011 till date i.e. 12.7.12 in another experience certificate dated 12.7.2012. The experience certificates submitted by the petitioner were not accepted as they were not countersigned. The cut off date for submission of experience certificate was 15.7.2012. As per note 2 of the advertisement, one time exemption of HTET/STET has been granted to the candidates who have worked for a minimum period of four years till 11.4.2012 in privately managed Government aided schools, recognized schools and Government schools. It was also mentioned therein that candidate must be in service on 11.4.2012. As per note 3 of the advertisement, one time exemption certificate was granted for HTET/STET and one time upper age relaxation certificate from the Head of the Institute is required to be verified by DEO and counter signed by Director of Secondary Education of the concerned State. It was also mentioned that one time implies that an applicant can apply only once for a particular category of post in the first advertisement

and no such exemption will be granted in the subsequent advertisement. Clause-3 of special instructions (Appendix A) states that the candidates applying for a post must ensure that they fulfill all the eligibility conditions on the last date of application. If on verification at any time before or after the written examination or interview or appointment, it is found that they do not fulfill any of the eligibility conditions or it is found that the information furnished is false or incorrect their candidature will be cancelled. Although the date of submission of online applications form was extended upto 15.7.2012 but in clause 8 of corrigendum, it was specifically mentioned that validity date for all degree/diploma/certificate/age/relaxation and four years experience is closing date of advertisement i.e. 15.7.2012. Any certificate after this date will not be considered valid.

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 merit is hereby dismissed.

April 07, 2015
pooja

(DAYA CHAUDHARY)
JUDGE