

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5344 of 1994(O&M)

Date of Decision: 21.01.2016

Smt. Harjit Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Kapil Kakkar, Advocate,
for the petitioner.

Mr. Harkesh Manuja, Addl. AG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

1. The offer of appointment as a Hindi teacher was made in the year 1994 but it did not fructify in appointment as the Government in the department concerned was of the view that there was an impediment since the petitioner had not studied the subject of Hindi in all the three years of Graduation then she fell short of standards expected of a teacher in Hindi, if appointed. She was not qualified to be offered employment thought the respondents. It is trite that mere selection does not confer an indefeasible right to appointment.

2. It is the contention of Mr. Kakkar that as per rules, the Government did not take a correct decision since there is no prescription in the therein that Hindi should be subject matter of study in all the three years course leading to the degree of Bachelor of Arts.

3. Even if the issue is debatable, one of the major reasons which dissuade this Court from granting relief is a long passage of time. It would neither be safe nor proper to direct the State to appoint the petitioner as a Hindi teacher after 21 years during which period she may have lost her skills in Hindi as a teacher in waiting altogether. The other reason to decline interference in this case is that it appears reasonable that a Hindi teacher ought to have studied Hindi throughout Graduation as that would make a teacher suitably equipped with reasonable in depth study of Hindi as a teaching subject in three consecutive years that make for graduation which she does not possess. If it is not proper to quash appointments made long ago see **Government of Andhra Pradesh vs. D. Shiva Prasad**, 1998 (2) SLR 685 it is equally improper and inappropriate to offer appointment retrospectively after long lapse of time running to more than two decades even in a pending petition with no interim orders passed therein. The Court is conscious that rights of parties are to be declared as existing on the date of the petition.

4. I would, therefore, not place too much weight in trying to dissect the rules, one way or the other, and would on the other hand, much rather refuse to accept the prayers made in the petition for appointment under court directions that too after a long passage of time rendering the claim closer to being declared infructuous. The claim for appointment at this distance of time is highly impracticable to be seriously considered for a teaching assignment which skills, more likely than not, must have fallen into disuse, the special skills required of a teacher honed for years would put to peril the future of students while the lessons are long forgotten.

Periods of probation prescribed in direct recruitment as per rules are meant for training at the onset a career, not in midlife. That is another hurdle in the way of relief.

5. For the reasons recorded above the petition is rejected.

(RAJIV NARAIN RAINA)
JUDGE

21.01.2016
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