

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18783 of 2012
Decided on : 23.02.2016

Gurjinder Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.B.S.Bajwa, Advocate, for the petitioner.

Mr.Avinit Avasthi, A.A.G., Punjab.

G.S. Sandhawalia , J. (Oral)

Petitioner seeks a direction for consideration for the posts of Master Cadre, advertised on 07.05.2011 (Annexure P1) in which the cut-off date was 30.05.2011.

The case of the petitioner is that as per the clause of the advertisement, the requirement was of passing of Teachers Eligibility Test (for short, the 'TET') and the State had not held the test and therefore, subsequently, had permitted the candidates to apply, vide public notice dated 24.07.2012 (Annexure P3) regarding the test which had been held on 03.07.2011 and the result was declared on 30.07.2011. It is the case of the petitioner that he was successful in the test.

But the fact remains that the petitioner did not have the B.Ed. qualification which was one of the eligibility conditions on the cut-off date. It is not disputed that the State had granted the extension to the candidates who had passed the TET. However, as per the terms of the advertisement, there was no concession regarding the basic educational qualifications regarding possessing of the B.Ed. qualification by the cut-off date. Mainly

because there was a discrepancy qua the TET, it would not entitle the petitioner for enlarging and extending the cut-off date beyond 30.05.2011, regarding the other eligibility condition.

Reference can be made to the judgment of the Apex Court in **Dolly Chhanda Vs. Chairman, JEE 2005 (9) SCC 779** wherein it has been held that there can be no relaxation regarding the holding of the requisite qualifications by the date fixed and the necessary certificates and degrees have to be produced by the cut-off date. Relevant observation reads as under:

“7. The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e. in the matter of holding the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or marksheets. Similarly, in order to avail of the benefit of reservation or weightage etc. necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement for benefit of reservation. Depending upon the facts of a case, there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature.”

Resultantly, finding no merit in the present writ petition, the same is, hereby, dismissed.

FEBRUARY 23, 2016
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(G.S. SANDHAWALIA)
JUDGE