

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 17489 of 2013 (O&M)

Date of Decision: 09.08.2016.

Rasmila Devi

--Petitioner

Versus

State of Haryana and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ajay Kumar Kansal, Advocate for the petitioner.

Mr. Ravi Pratap Singh, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

Petitioner had applied for the post of P.G.T., Sanskrit in response to an advertisement dated 7.6.2012 (Annexure P-6) issued by the Haryana School Teachers Selection Board.

Instant petition has been filed being aggrieved of the rejection of her application conveyed vide memo dated 2.5.2013 (Annexure P-9).

Counsel for the parties have been heard.

In the advertisement in response to which the petitioner had submitted her application, eligibility conditions common to all posts had been laid down. One of the conditions of eligibility was for a candidate to possess a certificate of having qualified the H.T.E.T/S.T.E.T. Notes 2 and 3 would be relevant for the issue in hand and are reproduced hereunder:-

“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.***

The impugned order at Annexure P-1 recites that the petitioner does not possess the requisite 4 years experience in school cadre to claim exemption of HTET/STET as envisaged under Note 2 of the advertisement reproduced herein above.

The entire case made out on behalf of the petitioner and by referring to the experience certificate at Annexures P-1 to P-3 is that the petitioner possessed teaching experience in excess of 4 years and that too on the post of Lecturer and as such, rejection of her candidature is without any justifiable basis.

Notice of motion in the instant petition was issued on 13.8.2013 and interim directions were issued on the same very day with regard to the petitioner being interviewed provisionally.

On behalf of the State a join reply on behalf of respondents no.1 and 2 has been filed and placed on record. In para 5 of the reply the rejection of the petitioner is sought to be justified on two counts. Firstly it is submitted that the experience certificate of Sanskrit Teacher/T.G.T are not clear as part of the experience is on the post of a Teacher/T.G.T and as

such cannot be considered for the post of P.G.T. The second objection raised is that the experience certificates at Annexures P-1 and P-3 have not been countersigned by the Director, Secondary Education, Haryana and as such the experience reflected therein cannot be counted towards the requirement of 4 years experience to claim exemption from HTET/STET.

Even though, as regards the first objection of the petitioner having experience on the post of a Lecturer may not be sustainable on the face of it, yet, there is no escape from the factual position that the experience certificates relied upon by the petitioner at Annexures P-1 and P-3 are not countersigned by the Director, Secondary Education, Haryana.

Counsel for the petitioner would argue that there was no requirement for countersigning by the Director, Secondary Education, Haryana on the experience certificate and as per Notes 2 and 3 such requirement was only qua the one time exemption certificate. This very issue has already been dealt with by a Coordinate Bench of this Court in ***CWP No.14135 of 2013*** titled as ***Suresh Kumar Vs. State of Haryana and others*** decided on 5.7.2013. It was held that stipulations contained in the advertisement have to be scrupulously followed and there can be no deviation therefrom. The requirement of verification at the hands of District Elementary Education Officer and countersigning by the Director, Secondary Education Haryana on the experience certificate produced by a candidate to claim exemption from HTET/STET, has been upheld.

Even though, counsel for the petitioner would contend that in an L.P.A that arose from such judgement in Suresh Kumar's case (supra) the State itself had made a statement that the matter would be reconsidered and a speaking order would be passed thereafter, counsel has not been able to

produce before this Court any order whereby Suresh Kumar i.e. petitioner therein had been granted benefit of an experience certificate towards exemption and which had not been countersigned by the Director, Secondary Education, Haryana.

That apart, this Court while issuing notice of motion had issued orders for the petitioner to be interviewed provisionally. Counsel for the petitioner would concede that the petitioner had not been interviewed. In spite of interim directions having been issued on 13.8.2013 petitioner chose not to agitate the matter and never raised any grievance in relation thereto. The selection process has already been concluded and appointment letters have been issued. It would thus be too late in the day to intervene now and to grant relief to the petitioner.

There is yet another aspect that has weighed with this Court while declining relief to the petitioner. Petitioner belongs to the general category and had applied for the post of P.G.T in the subject of Sanskrit. 909 posts were to be filled up from amongst the general category. There is no information forthcoming from the pleadings on record as to whether there is any post lying vacant or all the 909 posts have since been filled up. In the eventuality of all the posts having been filled up it was imperative for the petitioner to have impleaded the last selected candidate as party/respondent. Neither has any such step been taken nor is there any suggestion from the counsel that the post of P.G.T., Sanskrit presently is lying vacant.

In the totality of circumstances noticed herein above, no basis for interference is made out in the present writ petition.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

09.08.2016
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Whether speaking/reasoned: Yes

Whether Reportable: Yes