

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 23627 of 2015

Date of Decision : January 21, 2016

Anil Kumar Petitioner
vs.
State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Lokesh K. Malik, Advocate
for the petitioner.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner seeks issuance of a direction to the respondents to appoint him as Post Graduate Teacher (PGT) (Mathematics).

A few relevant facts, which need to be noticed, are that pursuant to an advertisement dated 06.06.2012, the petitioner applied for consideration of his candidature to be appointed as PGT (Mathematics). One of the prescribed qualifications was that a candidate should have passed Haryana Teacher Eligibility Test (HTET)/School Teacher Eligibility

Test (STET). However, one time exemption was granted to candidates, who had four years' of service, which was required to be certified and counter-signed by the Director, Secondary Education. It is the admitted position that neither had the petitioner passed the HTET/STET nor did he submit his experience Certificate of four years duly counter-signed by the Director, Secondary Education. That being so, his candidature was rejected and resultantly, he was not called for interview. Such rejection made in the year 2012 was apparently accepted by the petitioner as he did not challenge such action on the part of the respondents. On the declaration of the results on 03.04.2013, the petitioner came to know that there were as many as 437 vacancies of PGT (Mathematics) for want of eligible candidates. The present petition has been filed seeking appointment against one such vacancy.

The aforementioned facts speak for themselves. The petitioner's candidature was rejected since, as provided in the advertisement and the applicable rules, he did not produce the requisite experience Certificate, duly counter-signed by the Director, Secondary Education. The petitioner did not challenge such action and thus would be deemed to have accepted the same. Even otherwise, in this regard, two judgments of this Court may be referred to, which are **Rajbir Kaur vs. State of Haryana and others** – **C. W. P. No. 10497 of 2013**, decided on **22.07.2013** and **Harinder Singh vs. State of Haryana and others** – **C. W. P. No. 19921 of**

2012, decided on 07.04.2015, wherein the action of the State to reject the candidature of similar applicants, who had not produced the requisite experience Certificate, duly counter-signed by the Director, Secondary Education of the concerned State, was upheld. Thus, the petitioner's candidature was rightly not considered.

The petitioner, having not been interviewed, was never borne on the select list and thus, cannot seek appointment against vacancies, which remained vacant for want of eligible candidates.

The present petition is also belated. The petitioner's candidature was rejected in the year 2012. The final result was declared in April 2013 showing the vacancies therein. The present petition has been filed after an inordinate delay of nearly three years.

Thus, viewed from different angles, I find no merit in the present petition and hereby order dismissal of the same.

No costs.

(DEEPAK SIBAL)
JUDGE

January 21, 2016
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