

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

***CWP No.9159 of 2014 (O&M)
Date of decision : 27.09.2016***

Amita Kumari

....Petitioner

Vs.

State of Haryana and another

....Respondents

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

Present: Mr. M.S. Chahal, Advocate for the petitioner.

Mr. Ravi Pratap Singh, AAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Vide advertisement dated 07.06.2012, applications were invited online by the erstwhile Haryana School Teachers Selection Board for recruitment of various posts of PGT, Haryana Education Service-II (Group 'B' Service) in different subjects. Insofar as the subject of Geography was concerned, a total of 710 posts were advertised and out of which 441 were to be filled up from amongst general category candidates.

The instant petition has been filed assailing the letter/order dated 08.10.2012 at Annexure P-3 whereby the candidature of the petitioner seeking appointment to the post of PGT (Geography) in the general category has been rejected on the following ground:

*“Schools claimed for experience in application different
from certificate submitted.”*

Learned counsel for the petitioner would submit that as per advertisement, one time exemption had been granted from qualifying HTET/STET examination to such candidates who possessed minimum 4 years teaching experience in privately managed Government aided schools, recognized schools and Government schools and should be in service upto

11.04.2012. It was also stipulated in the advertisement that the certificate claiming exemption from HTET/STET on the basis of experience has to be verified and countersigned by the Competent Authorities under the Education Department.

In the present case, the candidature of the petitioner has been rejected only on the ground that there is a variance in the information submitted online as regards name of the institution as opposed to the certificate produced by her at the stage of counseling/interview.

Learned State counsel who is on instructions from Vijay Kumar, Assistant, HSSC, Panchkula does not dispute the fact that as per certificate produced by the petitioner at the stage of counseling, she does possess the requisite 4 years experience and such certificate was duly countersigned and verified by officials of the respondent-Department.

It has also been fairly conceded that not only was the petitioner interviewed on 03.09.2012 but 121 posts of PGT (Geography) against the general category have remained unfilled.

Under such circumstances, the action of the respondent-authorities in having rejected the candidature on such a technical ground cannot sustain. The petitioner otherwise possessed the requisite experience of 4 years for claiming exemption from HTET/STET. The requisite certificate was produced at the stage of interview and has been duly verified and countersigned by the concerned officials of Education Department itself. Merely because of an error at the stage of submission of application online cannot deprive the petitioner from her vested right of consideration for appointment to a particular post.

For the reasons recorded above, the writ petition is allowed.

Impugned letter/order dated 08.10.2012 at Annexure P-3 is set aside.

A direction is issued to the respondents to consider the candidature of the petitioner as valid. Since it has been conceded that the petitioner was interviewed on 03.09.2012 for the post in question, her result be declared within a period of two weeks from the date of passing of this order and further necessary and consequential action be taken thereafter.

Petition is allowed in the aforesaid terms.

27.09.2016

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(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |