
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.8253 of 2016

Date of decision: 2.5.2016

Bharat Bhushan and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Gagandeep Jammu, Advocate for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The petitioners are seeking direction for consideration to the post of ETT Teachers as per advertisement dated 9.11.2015 (Annexure P/2) against 3522 posts which were further increased to 4500.

Reliance has been placed upon the interim order dated 7.1.2016 (Annexure P/6) passed in Civil Writ Petition No.133 of 2016- Jaspreet Singh and another Vs. State of Punjab and others by a coordinate Bench. Submission has been made that the petitioners have been admitted in ETT diploma course for the session 2013-15 and the same was to finish in November, 2015 as per notification dated 29.8.2013 (Annexure P/1). It is submitted that the petitioners have also cleared their PSTET-I and therefore, they are eligible to apply for the said posts as per advertisement dated 9.11.2015. It is further submitted that ETT examination was only conducted on 27.4.2016 and therefore, the petitioners' right for applying for the said posts has been taken away since the last date for submitting application was 9.4.2016 and the examination was not held within time.

The issue involved in the present petition is sacrosanct of the cut off date as per advertisement dated 9.11.2015. Initially cut off date

was fixed as 2.12.2015 for 3522 posts. It is not disputed that thereafter number of posts have been increased to 4500 and the cut off date was extended till 9.4.2016 (Annexure P/5). The petitioners never approached this Court till the said cut off date and now have come to this Court after the cut off date and therefore they cannot seek parity as per interim order dated 7.1.2016 (Annexure P/6) passed in Jaspreet Kaur's case (supra). At that point of time the cut off date was 9.1.2016 and the petitioners in said writ petition approached this Court before the cut off date and they were provisionally allowed to apply and participate in the selection process. The distinction thus is apparent on the face of the record.

As per advertisement in question, the educational qualification reads as under:-

“Educational Qualification

- (i) Matric/10+2
- (ii) Training/Elementary Teachers Training two years course of Punjab State or from any other State or Union Territory declared equivalent and recognized by the Punjab Government.

Apart from the above said educational qualification, the candidate must have passed Punjab State Eligibility Text-I (P.S.T.E.T.-I) conducted by Punjab Government under R.T.E.Act for the post of E.T.T. Teachers.”

Admittedly, the petitioners have not completed their two years ETT course which is an essential requirement for applying as the result of the petitioners has not been declared for the course in question.

The Apex Court in **Rekha Chaturvedi Vs. University of Rajasthan 1993 (Supp. 3) SCC 168**, **Ashok Kumar Sharma Vs. Chander Shekhar 1997 (4) SCC 18** and **Bhupinderpal Singh & others Vs. State of Punjab 2000 (5) SCC 262** held to the effect that the candidates who are not qualified by the cut off date, do not have any right

of consideration. In such circumstances, there is no merit in the present writ petition.

Accordingly, the present writ petition is dismissed.

**May 02, 2016
Pka**

**(G.S.SANDHAWALIA)
Judge**