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

CWP No.14495 of 2016

Date of Decision : 20.03.2017

Pawan Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ramender Chauhan, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

This petition has been filed for issuance of a writ in the nature of mandamus directing the respondent No.3 to consider the candidature of the petitioner for the post of TGT Punjabi.

The petitioner applied for the post of TGT Punjabi but his candidature was rejected since he did not have 45% marks in the elective subject of Punjabi in his B.A. Examination.

Learned counsel for the petitioner has argued that his marks secured in M.A. Punjabi Examination should be considered instead of B.A. Examination.

Reference may be made to the judgment of the Supreme Court in the matter of *State of Rajasthan v. Hitendra Kumar Bhatt*, AIR 1998

Supreme Court 91, wherein it was held as under :

*“ 6. Looking to the clear terms of the advertisement which we have referred to above, the respondent was not eligible for consideration. It is submitted by the respondent before us that since he has been continued and has now been confirmed we should not disturb his appointment. He has requested that his case should be considered sympathetically. The fact, however, remains that the appellants have taken the correct stand right from the beginning. The respondent’s application was not considered and he was not called for an interview. It was on account of interim orders which were obtained by the respondent that he was given appointment and continued. He was aware that his appointment was subject to the outcome of his petition. One cannot, therefore, take to sympathetic a view of the situation in which the respondent finds himself. A cut-off date by which all the requirements relating to qualifications have to be met, cannot be ignored in an individual case. There may be other persons who would have applied had they known that the date of acquiring qualifications was flexible. **They may not have applied because they did not possess the requisite qualification on the prescribed date. Relaxing the prescribed requirements in the case of one individual may therefore, cause injustice to others.** ”*

In my opinion, the prescribed requirements cannot be relaxed in the present case. Petition is dismissed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

March 20, 2017
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No