

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

CWP-21182-2013

Date of decision: 24.01.2017

Pawanjeet Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. H.C. Arora, Advocate,
for the petitioner.

Mr. B.M. Vinayak, DAG, Punjab.

JAISHREE THAKUR, J.

The petitioner herein is seeking appointment as Lecturer in Geography pursuant to an advertisement dated 23.09.2009 on the ground that she has necessary qualifications and the experience to be offered the said appointment.

In brief, the facts are that the petitioner applied for appointment on the post of School Lecturer for Geography pursuant to an advertisement dated 23.09.2009. As per the advertisement recruitment to the post was to be based upon merit worked out on the basis of percentage of marks obtained in basic qualification as well as vocational qualification and higher qualification etc. It was further stated that maximum marks for professional qualification was to be restricted to 80 out of 100 marks in aggregate. Maximum marks for higher qualification were restricted to 6 marks for M.Phil, and 10 marks for Ph.D and 1 mark would be given per year for

teaching experience acquired after obtaining the basic qualification. The petitioner did not find her name in the merit list and after noticing that persons with lower merit than her, have been included in the merit list and were given appointment as Lecturer in Geography she filed CWP No. 13578 of 2011 titled 'Pawanjeet Kaur vs. State of Punjab and others', which was disposed of by order dated 14.02.2013 by directing the respondents to consider the case of the petitioner for appointment. The case of the petitioner was considered by the Principal Secretary, Government of Punjab Department of Education, passed an order dated 24.07.2013, rejecting the claim of the petitioner for appointment as Lecturer in Geography in general category. Aggrieved, the instant writ petition has been filed.

Mr. H.C. Arora, learned counsel appearing on behalf of the petitioner contends that the claim of the petitioner has been rejected on two grounds, namely, the teaching experience of the petitioner was not taken into account and if the said teaching experience had been taken into consideration, which she had gained from the year 1998 to 2004, she would have gained 8 marks bringing her into the zone of consideration for appointment. It is argued that the petitioner had acquired her M.A. qualification in the year 1998-99 and her teaching experience for the subsequent years had to be taken into consideration. It is also argued that the department has taken her M.A. qualification to be of the year August 2004 whereas the said qualification is only improvement of the marks of her M.A. marks of the Degree which had been obtained in the year 1999; and the second ground was that her experience certificates had not been counter signed by the competent Authority.

Per contra, counsel appearing on behalf of the respondents-State submits that as per the advertisement any teaching experience that would be considered for granting of any weightage would be for a experience gained after the candidate had obtained his/her qualification and the said qualification or experience had to be counter signed by the authority as prescribed in the advertisement and in the instant case, the petitioner's experience was for a period prior to obtaining her M.A. qualification in the year 2002 and, thus, no weightage could be given to that experience. It is further argued that in the application, the petitioner only submitted the M.A. qualification of the year 2002 and in the said application there was no reference to the effect that the petitioner had already obtained M.A. Degree in the year 1999 and in the year 2002 she had only improved her marks thereon and, therefore, the petitioner would not be entitled for any appointment.

I have heard learned counsel for the parties and perused the case file.

Admittedly, the petitioner who may have obtained the M.A. Degree in Geography in the year 1999 but at the time of filling up her application form, no reference was made of such a Degree. In fact, the application only mentioned that she had obtained 515 marks out of 1000 in M.A. in the year 2002. Therefore, the department while considering her application and the documents annexed thereto rightly came to the conclusion that the experience that she had gained of teaching, was prior in time and, therefore, no additional marks were given to the petitioner for her teaching experience. Moreover, there was a specific condition in the

advertisement that the experience certificate must be counter signed by the competent authority which was not done in the instant case. Therefore, the experience certificates would not be taken into consideration. A detailed order has been passed after considering all aspects by the Principal Secretary, Government of Punjab Department of Education, and there is no infirmity in the same, the candidature of the petitioner has been taken into consideration on the basis of the documents furnished by her i.e. M.A. Degree obtained in the year 2002. As per the advertisement only those experience certificates would have to be taken into consideration which were to be counter signed and for an experience gained after such Degree, which is lacking in the instant case.

The writ petition being any devoid of merit is dismissed.

24.01.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.