

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

214

**CWP-1507-2017
Decided on: 14.9.2017**

SURENDER & ANR

...PETITIONERS

VS

STATE OF HARYANA & ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Kuldeep Khandelwal, Advocate
for the petitioners.

Mr. Anil Mehta, DAG, Haryana.

Mr. K.K. Gupta, Advocate
for respondent No. 2.

AJAY TEWARI, J.(Oral)

By this petition the petitioners have claimed that they should have been treated as schedules caste candidate in the HTET examination held on 15.11.2015. Before understanding the exact contours of the controversy, it is necessary to set out the chronology of events. The HTET 2015 examination was advertised as per which the last date of advertisement was 30.06.2015 for Level-1 HTET (Primary Teacher Examination). The petitioners belong to the Rai Sikh community which at that time was a backward class community and consequently, they applied in that category. The exam was held on 15.11.2015 and the result was declared on 18.12.2015. As per the result, the minimum marks for qualification for backward class candidates was 90. Both the

petitioners however obtained 89 marks and were therefore declared unsuccessful. On 9.5.2016 Rai Sikhs were declared to be scheduled caste by way of a notification and it is in these circumstances that the petitioners have claimed that they should be treated as scheduled caste candidates and, since they had obtained 89 marks which were higher than the qualifying marks for scheduled castes categories they should be considered to have been qualified candidates.

Counsel for the respondents have argued that if this were allowed the petitioners would be given retrospective benefit of the notification dated 9.5.2016 (Annexure P-5) and a reading of that notification does not permit this. A perusal of the notification clearly shows that it had come into effect on that date and consequently, it cannot be held that on 30.6.2015 when the petitioners applied for appearing in the test they were scheduled caste candidates and the contention is consequently rejected. Counsel has pointed out that the sister of the petitioner no. 1 who had also appeared in the examination with him was given a revised certificate showing her to be a scheduled caste candidate. Counsel for the respondents points out that the case of the sister of the petitioner No.1 was totally different because in the exams she had obtained 97 marks as per which she stood qualified in the backward class category (as it then was) . Her certificate was changed to scheduled caste only for the purpose that she can apply for a job in her capacity as a schedule caste after 9.5.2016 and it was not a case where any benefit was given to her from a back date as is being claimed by the petitioner and her case was therefore distinguishable and no fault can be found in action of the respondent in giving her a scheduled caste certificate.

In view of this explanation, the last argument of learned counsel must also fail. Resultantly, the instant petition stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

14.9.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No