

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

CWP No.2045 of 2017

Date of Decision:-03.02.2017

Ravi Kumar.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.K. Arya, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner applied for appointment on contract basis to the post of Inclusive Education Resource Teachers (IERT) advertised by Sarv Shiksha Abhiyan, Authority, Punjab in the year 2009. The posts were funded under a centrally sponsored scheme with consolidated salaries of Rs.7500/- plus Rs.1000/- as travelling allowance per month initially for a period of one year extendable from time to time. The job profile requires them to assist the teachers engaged for imparting education to the Children with Special Needs, including visiting the houses of such challenged children.

A perusal of the advertisement P-1 clarifies that candidates with Diploma in Special Education with three years experience in Special Education in schools were eligible, however in the alternative candidates who possess the degree of BAMS with RCIF foundation course were

permitted to apply. It transpires that since candidates with the required main qualifications were not available, the candidates with alternative qualification of BAMS with RCIF Foundation Courses were treated as eligible. The petitioner concededly did not possess the RCIF Foundation Course although had acquired the BAMS degree, he was appointed vide appointment letter dated 22.09.2009 (P-2) for Block Narot Jaimal Singh, District Gurdaspur subject to clearing the RCIF Course within one year (as per Clause-9). Due to non possessing the aforesaid foundation course by this time, his services have been terminated vide impugned order dated 23.01.2017 (P-5).

Learned Counsel for the petitioner has argued that soon after the appointment, the petitioner had enrolled himself for completing said three months foundation course with Indira Gandhi National Open University. However, due to the discontinuance of the course by the University in March 2010 itself, the course could not be conducted. He further submits that the except the IGNOU the aforesaid course is nowhere available in the Country.

After hearing learned Counsel for the petitioner and having gone through the case file with his able assistance, no ground for interference is made out. As per letter dated 25.10.2010 (P-3) issued by IGNOU, Regional Centre Jammu it is apparent that the application of the petitioner was rejected for non fulfillment of certain conditions. It further reveals that he was advised to seek admission in January 2011 session, therefore, the assertion that the three months foundation course could not be completed due to closure falls to the ground. Merely because the petitioner has been permitted to continue for more than 6/7 years would not cure his

initial illegal appointment as concededly as per laid down qualifications he was not eligible at the time of appointment. His appointment, as a matter of sympathetic view was conditional requiring passing of the test within one year which petitioner has failed to pass.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

February 03, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>