

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

CWP No. 8683 of 2014 (O&M)
Date of decision: 22.2.2017

Bachittar Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Madhav Pokhrel, Advocate,
for the petitioners.

Mr. T.N. Sarup, Additional Advocate General, Punjab.

JAISHREE THAKUR, J.

1. The instant writ petition has been filed seeking to challenge the public notice dated 4.3.2014 by which the applications have been invited for the post of Physical Trained Instructors (PTIs), who have necessary higher qualification prior to date of advertisement dated 29.4.2008.

2. In brief, the facts are that the respondents issued an advertisement dated 13.4.2008 inviting application for the post of PTIs. A total number 244 posts were advertised and out of which 50% were earmarked for male candidates and 50% were earmarked for female candidates. The basic qualification for this post, as per advertisement, was: (i) 10+2 from the recognized Board and (ii) C.P. Ed from a recognized Institute. Some of the candidates having higher qualification whose candidature had been rejected or whose applications were not accepted on account of having a higher qualification than the qualification prescribed,

approached this Court by filing **CWP No. 451 of 2008 titled Manjit Singh Versus State of Punjab and others.** The matter was referred to a Full Bench wherein it was held that the persons having higher qualifications in the same stream were to be considered as well. After the judgment in the Full Bench, some candidates approached this Court by filing writ petitions with a prayer that they too be considered for appointment, though they had not applied only on account of the fact that they possess higher qualifications. This Court disposed of the said writ petitions by common order dated 30.1.2013 with a direction to the respondents to issue a public notice calling for applications from candidates possessing higher qualifications. Subsequent thereto, a public notice was issued by the office of the Director of Public Instructions, Punjab on 4.3.2014 which was issued in continuation of the earlier advertisement dated 13.4.2008 in regard to 244 posts of PTIs.

3. The petitioners herein have filed the instant writ petition stating that they have necessary qualifications and they too should be considered for appointment.

4. Challenge has been made to the public notice dated 4.3.2014 issued inviting applications only from the candidates having higher qualifications obtained prior to the cutoff date i.e. 29.4.2008, pursuant to the advertisement dated 13.4.2008. The argument, as raised by the learned counsel for the petitioners, that they too should be considered, is wholly fallacious. The public notice that had been issued on 4.3.2014 is to be read in continuation of the advertisement dated 13.4.2008. The only difference being that the candidates possessing higher qualifications too have been

allowed to participate and submit their application forms. The petitioners herein have acquired their qualifications after the cut off date that is when the initial advertisement was issued and, therefore, would not be entitled for consideration. The law is well settled in this regard that only those candidates would be entitled for consideration, if they had the necessary qualification before the last date of submission of the application. The public notice issued only allows those persons to submit their applications, who had higher qualifications other than the qualifications as mentioned in the advertisement and that too in pursuance of the judgment rendered by the Full Bench in **Manjit Singh's case (supra)**.

5. The claim of the petitioners for being considered is rejected outright since they had acquired the qualifications, as prescribed in the advertisement, after the cut off date, whereas the public notice issued only allows those persons having acquired the higher qualifications before the cut off date to apply. Moreover, it also cannot loss sight of that 244 posts have to be filled up for which advertisement was issued in the year 2008.

6. The writ petition being devoid of merit is dismissed.

22.2.2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No