

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8980 of 2015

Date of Decision:-18.04.2017.

Poonam Chopra

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Deepak Sonak, Advocate for the petitioner.

Mr. Sushil Gautam, DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) Petitioner is a candidate for the post of Primary Teacher in the School Education Department, State of Haryana. Pursuant to the advertisement No.2/2012, the petitioner was provisionally selected. Thereafter, on the score that the petitioner do not fulfill the 4 years teaching experience as a PRT till 11.4.2012 her candidature was rejected.

2.) Guest Teacher experience certificate was issued by the competent authority on 17.11.2012 whereas it has been found that the petitioner has less than 4 years experience. While counting from 15.11.2007 to 31.3.2009 number of days has been calculated which is wrong. Thereafter, on 13.6.2013, the same has been rectified while counting 1 year 5 months for the period from 15.11.2007 to 31.3.2009. Thus, the petitioner fulfills the 4 years of experience including experience from 1.4.2009 to

31.10.2012.

3.) Learned counsel for the petitioner submitted that in identical circumstances, candidates who have approached this Court obtained an order for consideration of their grievance. The same has been considered vide Annexure P-6 dated 24.5.2013. Therefore, the petitioner's case is also identical to that of **Gagan Deep and others Vs. State of Haryana and others (CWP No.5602 of 2013)** decided on 15.3.2013. Hence, rejection of the petitioner's candidature for Primary Teacher post is required to be reconsidered.

4.) On the other hand, learned State counsel could not resist the claim of the petitioner with reference to Annexure P-6 so also the reply statement is silent insofar as Annexure P-6 dated 24.5.2013.

5.) Heard learned counsel for the parties.

6.) For the purpose of 4 years of experience for the post of Primary Teacher, wrongly the authorities have calculated number of days for the period from 15.11.2007 to 31.3.2009 while issuing experience certificate on 17.11.2012 and the same has been rectified on 13.6.2013 calculating appropriately. The same is required to be taken into consideration for the purpose of petitioner's candidature to the post of Primary Teacher. In view of Annexure P-6 and P-8, the petitioner is entitled for reconsideration of her claim for selection and appointment to the post of Primary Teacher. Accordingly, Annexure P-4 is set aside insofar as rejection of the petitioner's candidature for the post of Primary Teacher (category-I), School Education Department, State of Haryana. The concerned respondent is hereby directed to reconsider the petitioner's claim for selection and appointment to the post of Primary Teacher with reference to order dated

24.5.2013 (Annexure P-6) read with Annexure P-8 Guest Teacher experience certificate dated 17.6.2013. The above exercise shall be completed by the competent authority within a period of 3 months from today.

7.) Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

April 18, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.