

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

CWP No. 3709 of 2017 (O&M)
Date of decision : February 23, 2017

Surender Singh,

..... Petitioner

v.

State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Ajay Tewari, J (Oral)

By this writ petition, the petitioner has challenged the action of the respondents in not considering his claim for the post of Trained Graduate Teacher (English).

Brief facts are that in response to the advertisement issued by respondent No.2, the petitioner who belongs to BC(A) category applied for the post of Trained Graduate Teacher (English) for Mewat Cadre. He submitted his application form and fee through online process and was given admit card. However, in the result declared on 19.2.2017, his roll number does not find mention since at the time of scrutiny of documents on 3.2.2017, he had produced his B.Ed certificate where English was not one of the teaching subject, and had omitted to attach the Elementary Teacher Training certificate (which was the alternate qualification).

Counsel for the petitioner has argued that inadvertently, the

petitioner did not submit his ETT certificate along with the application form.

In my considered opinion, the petitioner can not succeed. In the advertisement, Annexure P-1, part (ii) of essential qualification for Category 2, is quoted as below :-

“ ii. In case of B.Ed English as a teaching subject from a recognized university.”

Admittedly, the petitioner does not have English as one of the teaching subject in B.Ed. As regards the contention that the petitioner could not submit his ETT certificate at the time of submitting application form, the Delhi High Court in Union Public Service Commission and another v. Govt. of NCT of Delhi and others and other connected cases, passed in Writ Petition (Civil) No.10058/2009, decided on 25.01.2010, held as under:-

“27. The present case is such a case where, because of a very large number of applications received by the UPSC, if it is compelled to accept procedurally incomplete applications, there would be serious practical difficulties that it would have to encounter and this may very well lead to a break down in the system. We also cannot overlook the fact that the applicants/Respondents are all highly educated persons claiming to have an LLB degree and three years experience at the Bar. Therefore, it must be assumed that they fully understood the contents of the advertisements and the DAF. There was a duty cast on them to correctly fill up the DAF and they cannot be allowed to contend that despite this, their application should be accepted even if it is incomplete only because procedure is the handmaid of justice.

28. The matter may be looked at from another point of view. The UPSC has rejected the candidature of 45 persons due to non- submission of the required documents and/or submission of documents in the wrong format. If any relief is granted to the Respondents before us, surely it would be appropriate to grant a similar relief to other similarly placed candidates, some of whom may not have approached the Tribunal for relief. If this exercise were to be undertaken, perhaps the entire examination would require to be cancelled. In our opinion this is neither in the interest of the candidates who have qualified nor is it in the public interest to

cancel the entire examination for the sake of accommodating a few persons, such as the Respondents.

29. The facts of this case are singular and we are of the opinion that given the very large number of applications received and the number of candidates involved, we must give the benefit of the necessity of sticking to procedural requirements to the UPSC.”

Counsel for the petitioner is not in a position to cite any contrary judgment. Consequently, no relief can be granted to the petitioner. This writ petition is accordingly dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

February 23, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No