

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CWP-7384-2017

Date of decision : 01.08.2017

Ajay

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Sajjan Singh Malik, Advocate
for the petitioner.

Mr.Hitesh Pandit, Addl.A.G. Haryana.

Mr.K.K.Gupta, Advocate
for respondent no.3.

AMOL RATTAN SINGH, J.(ORAL)

By this petition, the petitioner seeks to be included in the complete selection process for appointment to the post of PGT (Mathematics), his candidature having been rejected by the respondent-Haryana Staff Selection Commission on the ground that he did not secure the minimum cut off marks required in the Haryana Teacher Eligibility Test (HTET).

Mr. Gupta, learned counsel for the Board of School Education, Haryana, by whom the HTET is conducted, has submitted that the result of the examination taken by the petitioner, i.e. HTET, was declared obviously after November 2011, the test having been conducted in that month.

He further submits that as regards the category of physically handicapped persons, the government has issued a clarification on

test if they secured 82 marks out of 150, instead of 90 marks as was in the case of other candidates.

He further submits that a communication was made to the Government by the Board of School Education, as to whether the lowering of qualifying marks in the case of physically handicapped persons was to be taken to be prospective from the date of issuance of instructions by the Government, or from an earlier date; to which the reply of the Government to the Board was that it was only a clarification.

That being so, obviously the clarification would date back to the time when the test was initially conducted and would therefor also cover the test taken by the petitioner in November 2011.

On specific query, Mr. Gupta, as also Mr.Hitesh Pandit, Addl.A.G., have stated that the marks obtained by a candidate in the HTET, would remain valid, as regards that candidate, for a period of 5 years, for the purpose of recruitment.

The petitioner applied for the post of a Post Graduate Teacher, i.e. PGT (Mathematics), pursuant to the advertisement Annexure P-2, in which the closing date for submission of online applications was 21.09.2015, with the last date for deposit of fee being 24.09.2015.

Obviously, 21.09.2015 being a date within 5 years from November, 2011, the petitioners' candidature could not have been rejected by the respondent-Commission on the ground that he had obtained lesser marks than 90 out of 150, in the aforesaid test.

This petition is therefore allowed and the petitioners' candidature would be considered by the respondent-Commission, taking him to have passed the HTET held in November 2011, if he is found to have

secured more than 82 marks out of 150 marks.

The petitioner would consequently be interviewed for the post in question and considered thereafter, after verification of his documents.

(AMOL RATTAN SINGH)
JUDGE

August 01, 2017.
Davinder Kumar

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