

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

COCP No.239 of 2018

Date of Decision:-16.02.2018

Satish Kumar.

.....Petitioner.

Versus

**Smt. Jyoti Arora, Principal Secretary, Deptt. of Higher Education
Government of Haryana & Anr.**

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH.

Present:- Mr. N.S. Panwar, Advocate for the Petitioner.

JASWANT SINGH, J.

Petitioner has alleged violation of order dated 11.09.2017 (Annexure P-1) passed by Division Bench of this Court, whereby the petitioner was held entitled for benefits for employment.

Learned Counsel for petitioner contends that Haryana Staff Selection Commission had advertised posts of Post Graduate Teacher of “Sanskrit” (“PGT Sanskrit” for short). Petitioner duly applied for the said post and cleared the written examination as well. However, at the time of conducting his interview, the candidature was wrongly rejected by the Commission on the ground that petitioner was not in possession of essential qualification i.e “M.A Sanskrit”. Consequently, petitioner filed CWP No 21770 of 2016 challenging the service rules as well as the clause of the advertisement whereby “M.A in Sanskrit” was made as an essential

qualification. The said writ petition was ultimately disposed off alongwith other writ petitions vide order dated 11.01.2017 (P-1), whereby the State accepted the prayer of petitioner and conceded that the equivalent qualifications, as suggested by the expert committee constituted for the purpose of re-examining the qualifications required for the post of PGT Sanskrit, would be considered for the post in question. Since petitioner's qualification was also held to be equivalent to M.A Sanskrit, therefore petitioner did not agitate his claim further. It is argued that despite the said order having been passed in favor of petitioner, the respondents have not called petitioner for interview and therefore, the present contempt has been filed as there is willful default on part of respondents by still not considering petitioner eligible for the post of PGT Sanskrit.

I have learned counsel for the petitioner at length and am of the considered opinion that present petition is completely devoid of merit and therefore liable to be dismissed.

On the asking of the Court State has filed a short affidavit, whereby it has been categorically stated that the essential qualification for PGT Sanskrit in the concerned Service Rules i.e Haryana State Education School Cadre (Group B) Service rules, 2012 and Mewat District School Education (Group B) Service Rules, 2012, has been revised vide notification dated 23.06.2017 with prospective effect. Consequently, petitioner's qualifications cannot be considered for the advertisement, which was issued prior to the amendment made in the aforesaid service rules.

In the opinion of this court, petitioner ought to have agitated his grievance before the Hon'ble Division Bench qua the prospective

application of the amendment. However, for reasons best known to him, petitioner kept quiet and accepted the decision passed by the Division Bench. Respondents are justified in not considering the petitioner eligible for the post of PGT Sanskrit, which was advertised prior to amendment in the aforesaid Rules of 2012.

In this view of the matter, no contempt is made out against the respondents and accordingly the present contempt petition is hereby dismissed.

(JASWANT SINGH)
JUDGE

February 16, 2018

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