

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

CWP-15797-2014

Date of decision: 23.2.2018

Usha Rani

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.KB Raheja, Advocate for the petitioner

Ms.Monica Chhibber Sharma, Sr.DAG, Punjab

JITENDRA CHAUHAN, J.

The present writ petition under Article 226 of the Constitution of India has been filed for issuance a direction to respondent No.2 to appoint the petitioner to the post of Punjabi Mistress in pursuance of advertisement dated 23.9.2009 (Annexure P5).

Learned counsel for the petitioner submits that petitioner had completed his B.Ed in April, 2008 (Annexure P-1) whereas, the marks sheet/ certificate was issued in the Month of August, 2008. She joined and remained as PTA Teacher in Govt. Senior Secondary School from 4.8.2008 to 31.3.2009. Thereafter, to improve her gradation/ marks, she again appeared in B.Ed examination in April, 2009 and copy of improved marks-sheet was issued in October, 2009 (Annexures P-2 & P-3). Thereafter, she

again joined Govt. Secondary School, Mohan Ke Uthar, Ferozepur on 1.8.2009 and she remained there upto 30.10.2010. She was not appointed as Punjabi Teacher on account of less experience, however, she was having 22 months and 27 days experience (Annexure P-4).

On the other hand, learned counsel for the respondents-State, submits that on the date of publication of advertisement, the experience of the petitioner was less than one year and therefore she is not entitled for appointment.

Heard.

The advertisement (Annexure P-5) in question was published on 23.09.2009. Admittedly, the petitioner completed her B.Ed examination in April, 2008 and thereafter, to improve her score, she again appeared in the examination in April, 2009. The posts of Punjabi Mistress were published in newspapers on 23.09.2009 (Annexure P-5). The petitioner being eligible applied for the post of Punjabi Mistress. On the basis of documents submitted by her, she was called for counselling as she had acquired 60.0924% of marks (Annexure P-6). The last selected candidate has secured 59.75 marks. During her counselling, the documents were checked and on account of her 10 months experience, she was not awarded any marks against experience, as the advertisement prescribed one mark for each year of experience. The experience certificate attached with the petition, itself indicates that she had worked from 4.8.2008 to 31.3.2009 and thereafter, from 1.8.2009 to 31.10.2010. If the best case of the petitioner is to be considered, then she would be entitled to the counting of experience

upto 9.10.2009, the last date of submission of the applications and if the experience of the petitioner upto 9.10.2009 is calculated on the date of advertisement, on which her eligibility is to be seen, it comes to 10 months and 7 days, which is less than one year and thus, she is not entitled for any marks towards experience.

In view of the above, the present petition fails and is hereby dismissed.

23.2.2018
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No