

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

**CWP No. 17221-2016
Date of decision : 18.09.2018**

Om Pal @ Om Pal SharmaPetitioner

versus

State of Haryana and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Lajpat Sharma, Advocate
for the petitioner.

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

RITU BAHRI, J. (Oral)

Petitioner is an applicant for the post of P.G.T., Sanskrit. The short grievance raised in the instant petition is that inspite of a certificate having been issued by the D.A.V. Public School, Kurukshetra as regards teaching experience on the post of P.G.T and the same having been verified by the Block Education Officer, Thanesar, yet, without any justifiable basis such certificate is not being countersigned by the Assistant Director, Secondary Education, State of Haryana.

Learned counsel contends that when the petitioner was appointed as TGT, he was also taking class of 11 and 12th and therefore, the experience had to be counted.

Learned State counsel on the other hand states that the experience can be counted which has been attained while being employed in the job in question and experience which has been obtained while on a different job cannot be counted.

Learned State counsel has filed an affidavit in the Court today of

Block Education Officer, Thanesar Kurukshetra stating therein that the petitioner was working in DAV Public School Kurukshetra from 13.04.2005 to 01.06.2016 on the post of TGT Sanskrit as per experience certificate vide reference dated 01.06.2016. it has been stated that Block Education Officer has signed the experience certificate inadvertently without seeking any clarification, issued by respondent No. 6. However, the same was cancelled by respondent No. 2 keeping in view the fact that the experience certificate should be clear and any ambiguity in the experience certificate tends to lessen the authenticity of the experience certificate. It has further been stated that earlier experience certificate countersigned by Assistant Director was not as per requirement of the Haryana State Education, School Cadre (Group B) Service Rules, 2012 and thus it was cancelled on 24.06.2016. It has been stated that it was an internal arrangement of the school so that the students do not suffer.

Learned State counsel has relied upon a Division Bench judgment of this Court in a case of *Anamika Gupta vs. State of Haryana and others passed in CWP No. 18569-2012, decided on 11.12.2012* wherein the petitioner applied for the post of PGT, pursuant to advertisement but since the petitioner does not have the experience of 04 years as PGT instead she possesses the experience as TGT, this Court dismissed the writ petition on the ground that there is a definite purpose for prescribing 04 years experience of teaching the students in PGT, which for the posts now advertised, is the only material consideration.

On the other hand, learned counsel for the petitioner has relied upon a judgment of this Court in a case of *Deepak Sharma vs. State of Haryana, 1996 (1) SCT 594* wherein also the petitioner while working as Clerk in the Government School taught students. District Education Officer issues certificate of teaching experience in his favour. According to the advertisement, such

experience was to be taken in to consideration and given weightage. Persons holding similar certificate and possessing experience appointed on that basis. Petitioner also qualified for the post. The writ petition was allowed and respondents were directed to consider the case of the petitioner for appointment as teacher on the basis of his teaching experience while working as Clerk. The relevant portion of the judgment reads as under:-

3. *The stand taken by the respondents in the written statement is again the one which was taken in Satish Kumar's case (supra). Counsel for the State has contended that certificates, Annexures P.3 and P.4 could not be taken into consideration as the petitioner was not working as S.S. Master but was a Clerk. This very contention of counsel for the State did not find favour with the Division Bench in Satish Kumar's case as it was found that the petitioner, Satish Kumar possessed the requisite educational qualification i.e. B.A., B.Ed. and for two years' teaching experience, weightage was also to be granted. Here the experience certificates (Annexures P-3 and P-4) furnished by the petitioner have not been taken into consideration on the ground that he was only a Clerk and worked as S.S. Master only in addition to his duties. The said experience certificates were countersigned by Sub Divisional Education Officer, Narnaul. The certificates show that the petitioner had taught students for the period from 1.1.1990 to 31.12.1990 and from 1.1.1991 to 31.7.1991. The contention that aforesaid Om Parkash and Surinder Mohan had taught classes like the petitioner in addition to their duties while working as Laboratory Assistants/Clerk, has not been specifically denied by the respondents. In this view of the matter, I am of the view that the respondents were not justified in ignoring the certificates of teaching experience particularly when the Sub Divisional Education Officer, Narnaul had countersigned the same. Counsel for the State has also not been able to show that as to how the case of the petitioner is distinguishable from that of Satish Kumar's case.*

This judgment is directly applicable to the facts of the present case as in the present case as well, the petitioner was appointed as TGT teacher in

respondent No. 6-School and he was given classes of IX to XII as there was shortage of PGT teacher in respondent No. 6-School. This fact was also admitted by respondent No. 5 in the affidavit filed today. The work and conduct of the petitioner was also appreciated by the Education Ministry. The petitioner was given appreciation letter in the year 2014 and 2015 respectively. Pursuant to advertisement dated 28.06.2015, the participated applied for the post of PGT (Sanskrit) for both cadres i.e Non-mewat cadre and Mewat cadre, in general category. The petitioner applied for the experience certificate to respondent No. 6 and the same has been countersigned by respondent No. 4 and 5 but when the certificate was put before respondent No. 2, the same was cancelled on 24.06.2015 and hence the present writ petition.

The judgment cited by learned State counsel is not applicable to the facts of the present case, as in that case the petitioner was not possessing the experience certificate as required under advertisement but in the present case, it is not in dispute that the petitioner taught classes IX to XII.

In view of the above factual position, the writ petition stands allowed and direction is given to respondent No. 2 to countersign the experience certificate of the petitioner dated 01.06.2016 (Annexure P-10) so that the petitioner can participate in the selection process of PGT Sanskrit, pursuant to advertisement dated 28.06.2015.

September 18, 2018
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No