

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.24031 of 2018

Date of Decision: 20.09.2018

Sunil Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Jagbir Malik, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

Petitioner is seeking quashing of the impugned action of the respondent No.3 by which the candidature of the petitioner for the post of TGT Science has been rejected, orally on the ground that he has not passed his Haryana Teacher Eligibility Test and further direction to the respondent to consider her eligible for the post of TGT Science after giving him exemption for passing HTET test.

In the present case, petitioner is seeking exemption for passing HTET test keeping in view the note 1 of the Appendix B attached with the Rules of 2012 (Annexure P-4) which was considered by this Court in the case of Kanta Devi and others Vs. State of Haryana and others 2018 (1) S.C.T. 757 (Annexure P-7). Pursuant to the advertisement (Annexure P-3) dated 28.06.2015 and as per abovesaid judgment, a candidate who had applied for the post of TGT Science,

of TGT science. However, one time relaxation has been granted to those candidates who are having four year teaching experience on the date of enforcement of these rules. Subsequently, when the post was first time advertised in the year 2015, the benefit of said relaxation was extended. After 2012, the Board of School Education, Haryana held that STET/HTET at the level of Lecturers/PGTs was held in the year 2008, twice in the year 2009, once in the year 2011 and thereafter in June 2013, February 2014 and last on 18.06.2016. Since no exemption has been granted after the year 2016, the Government in terms of Rule 19-A, granted exemption up to 31.03.2018.

In the facts of the present case, petitioner is working as TGT teacher science from 01.09.1998 to 30.06.2002 and thereafter on 21.12.2005 had joined as Guest Teacher on the post of TGT Science. Petitioner cannot be granted exemption beyond 18.03.2003 as per judgment passed by this Court in Kanta Devi (Supra) and pursuant to the advertisement dated 28.06.2015 (Annexure P-3) simply on the ground that petitioner had an occasion to clear the HTET examination which was held from 2008 to 18.06.2016 and till November 2017. On specific query put by this court, learned counsel for the petitioner submits that petitioner has appeared in the examination but he has failed. Hence, petition cannot get his relaxation. No further relaxation can be given to the petitioner under the 2012 Rules as necessary relaxation has already been granted under Rule 19-A till 31.03.2018.

Learned counsel for the petitioner has referred to the

instructions dated 05.06.2018 to give him relaxation to 01.04.2022 for qualifying the HTET. Even these instructions did not help the petitioner as the benefit was to be given to those appointees who have been appointed as regular basis. Petitioner is only a fresh appointee and cannot get any benefit of relaxation.

In view of the above, present writ petition is dismissed being devoid of merits.

(RITU BAHRI)
JUDGE

20.09.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No