

CWP-6966-2019

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

CWP-6966-2019Date of Decision: 15th March, 2019Prahalad

...Petitioner

Versus

Union of India & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Tarun Singla, Advocate for
Mr. Narinder S. Lucky, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for quashing of the advertisement, which is stated to have been issued in the month of February, 2019 (Annexure P-1), for filling-up the posts of Trained Graduate Teachers (for short 'TGTs') on contract basis under the Samagra Shiksha Abhiyan to the extent of Clauses A(iii) and B(ii) pertaining to clearing the Teacher Eligibility Test Paper-II (hereinafter referred to as 'TET (Paper-II)') conducted by the CBSE, as a prerequisite for submitting the application under the advertisement.

2. It is the contention of the learned counsel for the petitioner that the petitioner, who is 35 years of age, could not participate in the Teacher Eligibility Test examination, which was held in the month of December, 2018 as he was not eligible as per the then issued advertisement for appointment to the post of TGTs. He contends that now he has filled-up the examination form for taking the Teacher Eligibility Test examination, which is now slated to be held on 07.07.2019. He contends that the

advertisement which came in the month of February, 2019 led to the increase in the age of eligibility to 37 years which was earlier 35 years, he would miss an opportunity to participate in the selection process merely because he does not fulfill the requirement of having passed the TET (Paper-II). He would be rendered ineligible for consideration for appointment to the post of TGTs. Prayer has, thus, been made for quashing of Clauses A(iii) and B(ii), which require clearing of TET (Paper-II) as an essential qualification.

3. I have considered the submissions made by the learned counsel for the petitioner and with his assistance, have gone through the records of the case.

4. Even if the contention of the learned counsel for the petitioner is accepted that the age limit for filling-up the posts of TGTs on contract basis under the Samagra Shiksha Abhiyan, which has been advertised in February, 2019, provides for the age limit for the posts of TGTs to be between 21 to 37 years, leading to the petitioner becoming eligible except for having passed the TET (Paper-II), that would not confer any right upon him for consideration for appointment to the posts. The terms and conditions for eligibility as prescribed in the advertisement have to be honoured and it is not the case of the petitioner that he had no opportunity earlier to participate in the TET examination or could not take the examination of TET which was admittedly held in the month of December, 2018. Having not participated in the examination of December, 2018 for passing TET, he cannot be permitted to take a plea that since he has applied now for taking the examination of TET (Paper-II)', which is slated for

07.07.2019, petitioner should be given an opportunity to participate in the selection process in pursuance to the advertisement issued in February, 2019 (Annexure P-1).

5. The basic requirement as per the rules and the settled principles of law is that the candidate should be eligible on the last date of receipt of the applications or the date which is prescribed in the advertisement itself for determining the eligibility. Admittedly, petitioner is ineligible for consideration for appointment to the post of TGTs for the reason that he does not fulfill the requirement of TET (Paper-II).

6. The plea of the learned counsel for the petitioner that the petitioner should be permitted to give the examination provisionally subject to he having cleared the TET examination would virtually mean extending the last date of determining the eligibility for a candidate, who is ineligible as per the advertisement issued. The Court cannot, in the given facts and circumstances, do the same. Petitioner being ineligible for consideration for appointment to the post as advertised in February, 2019 (Annexure P-1), the claim and submissions as put forth in the present writ petition are devoid of merit, therefore, the same is dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

15th March, 2019
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No