

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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CWP-7223-2019

Date of Decision: 18.03.2019

AMIT BANSAL

...PETITIONER

VS.

UNION OF INDIA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Aruna Sachdeva, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J.

Petitioner has approached this Court praying for a writ of certiorari for setting aside the verbal order vide which the petitioner though had been called for scrutiny of the documents for the post of JBT on contract basis under the Samagra Shiksha Abhiyan but was not permitted to participate in the scrutiny process on 01.03.2019 on the ground that the CTET Paper I, which was cleared by the petitioner on 26.07.2011, is no more valid as it has become time barred in June, 2018.

It is the contention of the learned counsel for the petitioner that the petitioner, in pursuance to the advertisement issued by the Sarv Shiksha Abhiyan, U.T. Chandigarh, applied for the post of JBT on contract basis. 418 posts were advertised to be filled on 08.10.2018 under the Samagra Shiksha Abhiyan. Petitioner participated in the recruitment test which he cleared and was placed at Sr. No. 155 of the provisional merit list for general category. As per the notice, petitioner went along with his

documents for scrutiny on 01.03.2019 but was not allowed to participate in the said process on the ground that his CTET Paper I was beyond the period of its clearance as it has become time barred in June, 2018 as he has passed the CTET Paper I on 07.11.2016. Petitioner has challenged this action of the respondents on the plea that the petitioner did not have any occasion to participate in the CTET examination as it has not been held for the last two years.

On the date of hearing, this Court had sought affidavit of the petitioner detailing therein as to when the last CTET Paper was held and the last date of submission of the applications for the said test.

Instead of filing the affidavit of the petitioner, counsel has filed her affidavit stating therein that the last date of submission of the applications for CTET, 2018 was 27.08.2018, which was extended up to 16.09.2018. It has been admitted by the counsel that the last CTET examination was held in December, 2018, in which the petitioner did not participate.

In the light of the above, the assertion of the counsel for the petitioner that the petitioner did not have any opportunity to take the examination of CTET after the year 2016, cannot be accepted as it is an admitted fact that the CTET examination has been held in December, 2018, in which the petitioner, despite having an opportunity to participate, has failed to participate and, therefore, the plea, on the basis of which the writ petition has been filed, falls flat.

That apart, petitioner, admittedly, does not fulfill the requirement of eligibility for appointment to the post of JBT on the basis of the advertisement issued by Sarv Shiksha Abhiyan, U.T. Chandigarh.

Merely because the petitioner was allowed to participate in the selection process provisionally and has cleared the recruitment test cannot be a ground for holding him to be eligible as he does not fulfill the requirements, as detailed in Note 1 of the advertisement, which reads as follows:-

“Note: 1. All the candidates who will submit complete online application (along with photograph and scanned signatures) on or before closing date along with requisite fee will be issued admit cards to appear in Written Test without checking eligibility conditions. Eligibility of the candidates will be checked after declaration of result of Written Test as per details mentioned under selection procedure. Simply appearing in the written test does not give any right to the candidate for appointment.”

A plea has been taken by the counsel for the petitioner that the petitioner has applied for the CTET in the month of March, 2019 and the said test is to be held in the month of July, 2019.

This plea also will not cut any ice as even if the petitioner qualifies the said examination, he would not be eligible for consideration for appointment as, admittedly, on the date of scrutiny of the documents also, the petitioner was not eligible for appointment.

In view of the above, finding no merit in the present writ petition, the same stands dismissed.

March 18, 2019

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No