

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

**CWP No.19064 of 2019  
Date of decision:28.08.2019**

Dinesh Saini

... Petitioner

Vs.

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Jasbir Mor, Advocate  
for the petitioner.

**AMIT RAWAL J. (Oral)**

Prayer in present writ petition is for quashing of impugned final selection list dated 04.01.2019 (Annexure P-12), with a further prayer of mandamus directing the respondent-Commission to grant the relaxation of the condition regarding passing of Haryana Teacher Eligibility Test (hereinafter referred to 'HTET').

In pursuance to Advertisement No.3/2015 dated 28.06.2015, Haryana Staff Selection Commission, Panchkula invited the applications for filling up 662 posts of TGT Physical Education under category no.2 i.e. 150 posts for General Category, 80 posts for BCA Category and 03 posts were reserved for OSP-BCA Category by fixing the Essential Qualifications.

Petitioner being an aspirant having educational qualifications of 10<sup>th</sup> , 10+2, Bachelor Degree in Physical Education (B.P.Ed) with more than 50% marks from recognized University/Institution, Diploma in Sports Coaching in Fencing from Sports Authority of India, Netaji Subhash

National Institute of Sports, Patiala with 64.88%, applied for aforementioned post, issued admit card and sat in written examination but was not called for interview.

Mr. Jasbir Mor, learned counsel appearing on behalf of the petitioner submitted that petitioner did not have Haryana Teacher Eligibility Test qualification but in view of the fact that selection process is still going on as the interview is stated to be held in the month of August 2019. Before declaration of result, Sports and Youth Affairs Department, Haryana came out with a notification dated 05.09.2018 (Annexure P-11) promulgating Haryana Outstanding Sportspersons (Recruitment and Conditions of Service) Rules 2018 to be effective from the date of their publication in the Official Gazette.

He further submitted that as per Rule 8, if a person did not have the prescribed qualification for the post applied, has been given liberty to complete the same during the probation period. In fact, posts under BCA category are still lying vacant, in such circumstances, petitioner is liable to be considered by granting exemption.

I have heard learned counsel for the petitioner, appraised paper book and of view that there is no force and merit in the submissions of Mr. Mor. Essential qualification for the aforementioned posts specified in the advertisement reads as under:-

- *Eligibility:-*

*a) Matric with Hindi/Sanskrit or 10+2/B.A/M.A with Hindi as one of the subject.*

*b) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET) of respective subject for the post applied, conducted by Board of School Education Haryana, Bhiwani.*

*Note- The candidates those who are having/passed HTET till the date of interview after having advertisement will be allowed for interview on the basis of acquiring HTET (Test) till the date of interview.*

*c) Essential qualification (EQ) is given with each post.*

- *Age:18-42 years, relaxation as given in special instructions.*

*For working teachers upper age relaxation (See Note-2).*

- *Pay Scale:Rs.9300-34800 with a grade pay of Rs.4600/-.”*

Admittedly, petitioner did not have Haryana Teacher Eligibility Test. Rule 8 which is reproduced herein below, though would not be applicable to the case of petitioner as advertisement is of 2015 and last date for submission of applications was also in 2015. Though assuming for an argument sake but not admitting, same would apply as it is always with regard to service rules of appointing department.

*“8 (1) Essential qualifications or experience prescribed for the post in the service rules of the appointing Department, other than qualification of a technical or professional nature like law, medicine, engineering, architecture etc., shall not be applicable at the time of the initial appointment. The appointee*

*shall, however, be required to obtain such essential qualification(s) and complete such specific course(s) or training(s) within the probation period, which is considered essential by the appointing Department to discharge the responsibilities meant for the job.”*

Once the petitioner was not eligible, department has rightly so not called him for interview and question of finding his name in merit list do not arise at all.

Dismissed.

(AMIT RAWAL)  
JUDGE

August 28, 2019  
savita

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |