

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

CWP No. 25031-2018

Date of decision : 06.03.2019

Asha Chauhan

...Petitioner

versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Saini, Advocate
for the petitioners.

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

RITU BAHRI, J. (Oral)

Petitioner is seeking direction to the respondents to consider her name for the post of PGT Political Science (Category No. 13).

This Court vide order dated 28.09.2018 passed the following order:-

“The petitioner is participating for the post of PGT Political Science under the general category. She is entitled to be called for interview as she has secured 114 marks in the written examination and the last candidate called for interview has secured 100 marks.

Notice of motion for 24.01.2019.

In the meantime, the petitioner shall be interviewed provisionally and her result be kept in a sealed cover.

A copy of this order be given dasti under the signatures of

Court Secretary/Reader attached with this Court.

Learned State counsel submits that the final result has been declared on 15.11.2018 and last candidate under General category has secured 129 marks and petitioner has secured 133 marks.

Learned counsel for the petitioner submits that the petitioner qualified the written test and appeared for scrutiny of documents on 03.03.2017 and no objection was raised with respect to her documents. Subsequently vide notice dated 28.07.2018 (P-5), the candidates were called for scrutiny of documents.

It is not in dispute that the petitioner has secured highest marks but only argument raised by learned State counsel is that the petitioner has been issued STET certificate on 15.10.2008 (P-2 colly) after the date of advertisement and hence the petitioner is not eligible to be appointed for the post of PGT (Political Science). Further as per notice dated 28.07.2018 (P-5), it has been stated that this notice has been issued in continuation of earlier notice dated 22.01.2017 and 26.03.2017. This notice has been issued as the Commission has decided to call the candidates for scrutiny of documents who were earlier ineligible due to not having HTET or any other reason or were absent in scrutiny of documents earlier held on 03.03.2017 to 06.03.2017. Thus, the petitioner for all intents and purposes, appeared in the scrutiny of documents on 03.03.2017.

Learned counsel for the petitioner has referred to judgment passed by Co-ordinate Bench of this Court in CWP No. 2129-2017 (***Rakesh Kumar and anr. State of Haryana and others'***) and connected matters,

decided on 02.05.2017 wherein this Court had disposed of the bunch of

matters, in view of the clarification dated 21.04.2017 wherein it has been decided by Addl. Chief Secretary to Government of Haryana, School Education Department that the offending clauses of the notifications dated 15.07.2011 and 21.07.2011 shall be construed to be having prospective effect, meaning thereby that the validity of all STET certificates shall be up to 20.07.2016.

Learned counsel for the petitioners states that with the clarification dated 21.04.2017, now the petitioner has now become eligible, as her documents were scrutinized on 03.03.2017 and at that time, she was having this valid STET certificate, which was issued on 15.10.2008 (P-2 colly).

In view of the above factual position, the present petition stands disposed of by giving a direction to Commission to recommend the case of the petitioner for appointment to the post of PGT Political Science to respondent No. 1-State, within a period of 15 days from the date of receipt of certified copy of this order, after verifying the STET certificate of the petitioner, in view of *Rakesh Kumar's case (supra)* and thereafter, respondent No. 1-State shall further issue appointment letter to the petitioner within the next 15 days.

(RITU BAHRI)
JUDGE

06.03.2019
G Arora

Whether speaking/reasoned
Whether reportable

Yes
No