

CWP-27628-2019 (O&M)

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

**CWP-27628-2019 (O&M)
Date of decision : 25.09.2019**

Jaswant Raja

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Kanhiya Soni, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

Petitioner has sought indulgence of this Court for quashing the advertisement dated 07.08.2019 (Annexure P-1) inviting the applications for filling up the post of PGT H.E.S.-II (Group-B Services) and writ of mandamus directing the respondent No.2 to permit the petitioner to participate in the selection process.

The following qualification has been fixed for the aforesaid post:-

"(i) Hindi or Sanskrit as one of the subject in Matriculation or Higher.

(ii) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET) of concerned subject.

(iii) "Good Academic Record" Candidates having 50% marks

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after taking Average of any three examination from 10th/12th/Graduation/Post Graduation as the case may be.

However the candidate must have at least 50% marks in post Graduation except PGT Computer Science and in case of PGT computer science the candidate must have at least 55% marks in Post Graduation/Graduation as the case may be."

Learned counsel for the petitioner submits that Haryana Teacher Eligibility Test is due to be conducted in November 2019, as the same was not held for the year of 2019. Petitioner is MA, B.Ed. and cleared the examinations in the year 2011 to 2018, but as per the letter dated 26.08.2019, Haryana Teacher Eligibility Test (HTET) is due to be held in November 2019. Haryana Board of Secondary Education did not conduct the same in the year 2019 and on account of non-holder of the aforementioned certificate, cannot submit an application, therefore, condition imposed in the advertisement is liable to be set aside, as the requirement of qualifying the HTET by the National Council for Teacher Education shows that same makes it incumbent upon the appropriate Government to conduct the test, at least, once every year. The aforementioned guidelines have not been followed, thus, applicants or the aspirants cannot be denied the right of consideration. In the previous advertisement, condition of HTET was relaxed of having a degree, till the time of interview and not at the time of submission of application.

This Court cannot come to the rescue of petitioner for quashing the condition of having passed HTET, as, it is a settled law that conditions of advertisement cannot be changed subject to the suitability of the candidate/person. The present writ petition is bereft of any particulars that

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examination, during all this period, was not held, though there is a proposal for conducting the examination on 16/17.11.2019.

Keeping in view the above, no case is made for for judicial intervention under Articles 226/227 of the Constitution of India. The present writ petition is devoid of merit, accordingly, it is dismissed *in limine*.

25.09.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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