

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CM-17392-CWP-2022 in/&
CWP-13547-2019
Date of Decision :11.11.2022

Veena Rani

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Aditya Yadav, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

CM-17392-CWP-2022

Present application has been filed for preponing the date of hearing in the main writ petition, which is now fixed for 02.03.2023.

Notice of the application to the counsel opposite.

Mr. Harish Nain, AAG, Haryana accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as made in the present application.

Keeping in view the averments made in the present application, which are duly supported by an affidavit, the same is allowed. Date of hearing in the main writ petition is preponed from 02.03.2023 to today and the case is taken up for hearing.

CWP-13547-2019

In the present writ petition, the grievance of the petitioner is that the petitioner competed for the post of PGT (Mathematics) in the cadre of 'Rest of Haryana' in pursuance to advertisement No.04/2015 issued by the respondents.

As per the petitioner, the petitioner was fully eligible for competing for the said post, keeping in view the academic qualification prescribed in the advertisement. Selection was to be made on the basis of the written examination and thereafter, interview. As per the criteria, a candidate, who had teaching experience was also to be given benefit of the said experience and in the clause relating to the teaching experience, it was clearly mentioned that teaching experience certificate after acquiring essential qualification must be countersigned by the Director Secondary Education of the concerned State and scanned copy of the said teaching experience certificate is to be uploaded along with application form.

Learned counsel for the petitioner argues that the petitioner had an experience certificate issued on 10.12.2002, copy of which has been attached with the present writ petition as Annexure P/6 but as the same was not countersigned by the director concerned, the same was not uploaded alongwith the application form by the petitioner as the same did not fulfill the requirements of the advertisement. The petitioner was called for scrutiny of documents and, thereafter, interview on 08.11.2016. Keeping in view the eligibility of the petitioner, the petitioner was assessed but as the petitioner did not had a valid teaching experience certificate, no marks for the same was given to her.

Thereafter, certain posts of the SBC category were converted in the general category and after the said conversion, the candidates, who were next in merit and have already been assessed, were given appointment. The prayer of the petitioner is that as the posts of SBC category were converted in the general category and the result was declared on 05.09.2019, before which date, the petitioner had secured valid teaching experience certificate countersigned by the director concerned, the benefit of the said experience certificate should have been given to the petitioner so as to reassess the merit of the petitioner.

Upon notice of motion, the respondents have filed reply and have taken the objection that the petitioner was competing in the general category and was assessed in the said category as per her merit and as on the date of interview i.e. 08.11.2016, the petitioner did not had valid teaching experience certificate, no marks for the same was given to the petitioner. With regard to the subsequent conversion of the posts from SBC category to general category respondents have submitted that the candidates who had already been assessed as eligible on the date of interview, have been given appointment on the basis of the merit already assessed hence, the claim of the petitioner that the petitioner's merit should have been assessed again in the year 2019 after conversion of some posts from SBC category to the general category, is not maintainable.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The advertisement clearly depicts certain requirements to be filled by the candidates including submission of the teaching experience

certificate and uploading the same along with the application form in order to get the benefit of the said certificate. It is a conceded position that no teaching experience certificate was uploaded by the petitioner along with the application form. That being so, once the teaching experience certificate has not been uploaded along with application form by the petitioner, no benefit of the same can be given as the terms and conditions of the advertisement are sacrosanct.

In respect of the claim of the petitioner that after the conduct of the interview in the general category on 08.11.2016, the teaching experience certificate of the petitioner was got countersigned by the director concerned hence, while filling up posts, which were initially advertised in SBC category and thereafter, converted in the general category in the year 2019, the petitioner should be given benefit of the said certificate so as to reassess the merit of the petitioner, cannot be accepted. Only the candidates, who were eligible as per the terms and conditions of the advertisement, in the category, in which he/she is competing is to be given benefit of the SBC posts converted into general category and even for the converted posts into the general category, the eligibility remains the same as envisaged in the advertisement and the last date to submit a document remains the same. Once, the petitioner did not upload the teaching experience certificate along with application form before the last date of submission of application form and did not produce a valid experience certificate at the time of interview when appeared on 08.11.2016, subsequent countersigning of the said certificate cannot give any right to the petitioner for consideration for the said advertised posts.

Keeping in view the above, no ground for interference by this
Court is made out.

Dismissed.

November 11, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No