

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.25146 of 2021 (O&M)

Date of Decision:15.03.2022

Aneesh Ahmed and another

.....Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Mazlish Khan, Advocate
for the petitioners.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioners have filed this writ petition seeking a direction to the respondent-Commission to consider the petitioners' candidature against the remaining vacant posts of TGT Urdu advertised on 28.06.2015.

It is submitted that the petitioners had qualified the CTET (Central Teacher Eligibility Test) held on 20.09.2015 with their result being declared on 30.10.2015. It is further submitted that petitioners applied for the post in question pursuant to the advertisement and took the written examination held on 14.02.2016. Petitioners were called for scrutiny of documents and thereafter the respondent-Commission, it is stated issued a notice calling candidates for interview.

Learned counsel for the petitioners submits that in the said notice dated 30.10.2018, Annexure P-6, only eleven (11) candidates qualified for interview and petitioners roll numbers did not find mention therein. It is submitted that the petitioners are fully eligible and fulfill all

qualifications for the post in question. They have been ignored only for the reason that they had not qualified the Haryana Teacher Eligibility Test (HTET)/School Teacher Eligibility Test (STET). Learned counsel refers to order dated 29.09.2021, Annexure P-3 to submit that the State Government has now decided that Central Teacher Eligibility Test (CTET) shall be considered equivalent to School Teacher Eligibility Test (STET) and Haryana Teacher Eligibility Test (HTET) for all intents and purposes for the posts of PRT and TGT in the State. It is submitted that twenty one (21) posts are still lying vacant, therefore, petitioners who are otherwise clearly eligible especially in view of order dated 29.09.2021, should be appointed on the post of TGT Urdu. Moreover, petitioners, it is submitted have cleared their Haryana Teacher Eligibility Test (HTET) examination in the year 2020. It is thus prayed that this writ petition be allowed.

I have heard learned counsel for the petitioners and have gone through the file with his assistance.

Qualification for the post of TGT Urdu as advertised on 28.06.2015, Annexure P-1, reads as under:-

“i. B.A with at least 50% marks in Urdu as an elective subject and 2 year Diploma in Elementary Education.

OR

B.A. with at least 50% marks as well as in Urdu as an elective subject and 1 year Bachelor in Education (B.Ed.);

OR

B.A. with at least 45 % marks as well as 50% marks in Urdu as an elective subject and 1 year Bachelor in Education (B.Ed.) in accordance with NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard;

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4 year Bachelor in Elementary Education (B.El.Ed);

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4 years BA Ed.;

OR

B.A. with at least 50% marks as well as in Urdu as an elective subject and 1 years B.Ed (Special Education);

ii. In case of B.Ed. Urdu as a teaching subject from a recognized university.”

It is relevant to note at this stage that one of the eligibility conditions common for all the advertised posts, reads as under:-

“(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 advertisement will be allowed for interview on the basis of acquiring HTET (Test) till the date of interview.”

Admittedly, petitioners at the relevant time of selection had not qualified the HTET or STET examination. They had only qualified the CTET examination whereas the required eligibility condition was of having passed HTET/STET. Furthermore, it is a matter of record that petitioners were not called for interview in October 2018. Final result in this case was declared on 06.02.2019, Annexure P-7. Present writ petition has been filed on 30.11.2021, on the ground that the respondent-State on 29.09.2021, has declared CTET to be equivalent to School Teacher Eligibility Test (STET) and Haryana Teacher Eligibility Test (HTET) for all intents and purposes for the posts of PRT and TGT in the State.

It has been vehemently argued that on the basis of this order,

petitioners are entitled to appointment on the post of TGT Urdu. However, I do not find any merit in such arguments. Admittedly, petitioners were not found eligible for the post of TGT Urdu in the year 2018 with the final result of the selection being declared in February 2019. Petitioners at that time never questioned the same and did not plead equivalence of Central Teacher Eligibility Test (CTET) with Haryana Teacher Eligibility Test (HTET) at that time and never raised any objection to rejection of their candidature. Perusal of order dated 29.09.2021, Annexure P-3, clearly reveals that the same is not applicable with retrospective effect. It is a settled position of law that until and unless an order is specifically made effective with retrospective effect it has to be treated as prospective and would be effective prospectively. Therefore, I do not find any ground whatsoever to interfere in this writ petition.

No other argument has been raised.

Writ petition is accordingly dismissed with no order as to cost.

15.03.2022

s.khan

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.

**[LISA GILL]
Judge**