

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

(129)

CWP-23912-2022

Date of Decision : October 18, 2022

Sukriti Malik

.. Petitioner

Versus

Haryana Staff Selection Commission and another .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shivam Malik, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present writ petition, the prayer of the petitioner is that the last date for considering the eligibility keeping in view the advertisement dated 27.09.2022, a copy of which has been appended as Annexure P-9, which has been issued for recruitment to the post of TGT, be extended so that the petitioner could attain eligibility after appearing in the HTET examination, which is now scheduled to be held on 12/13.11.2022.

As per the facts mentioned in the present petition, the petitioner passed matriculation examination in the year 2012 and 10+2 examination in the year 2014. In the year 2017, the petitioner completed her graduation and thereafter post graduation was completed in the year 2019. In the year 2020, the petitioner completed her M.Phil and thereafter passed her B.Ed. Examination in the year 2022.

On 16.09.2022, the respondents issued a notification for conducting the Haryana Teachers Eligibility Test for the year 2022 and the last date for submission of the online application form was 30.09.2022 and the petitioner intended to appear in the said examination applied before the last date. The HTET examination for the year 2022 is to be conducted on 12/13.11.2022.

The respondent-Commission issued an advertisement on 27.09.2022 inviting application for appointment of 7471 posts of TGT by way of direct recruitment. For being eligible to apply for the said post, a candidate should have qualified Haryana Teacher Eligibility Test but as the petitioner has not passed the said test so far, she is ineligible to apply in pursuance to the said advertisement.

The prayer of the petitioner in the present petition is that the last date for applying in pursuance to the advertisement Annexure P-9, by which, 7471 posts have been advertised, be extended from 26.10.2022 to a day after the declaration of the result by the respondent-State of Haryana of the HTET 2022 examination so that the petitioner can compete after attaining the eligibility.

The further prayer of the petitioner is for issuance of a direction to the respondent-State as well as Commission to defer the process initiated in pursuance to the advertisement Annexure P-9, till the petitioner attains the eligibility after appearing in the HTET 2022 examination.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

The question which arises for consideration in the present petition is whether a candidate can pray for postponing the selection process

in pursuance to the advertisement on the ground that the petitioner is yet to gain the eligibility to compete for the same and till she attains the eligibility, no process of recruitment in pursuance to the advertisement Annexure P-9 should be undertaken.

It is a conceded proposition of law that eligibility of a candidate is to be seen as on the last date of filling of the application form. Learned counsel for the petitioner has conceded that even on the date when the advertisement was issued or upto the last date of submission of the application, the petitioner was not eligible to apply for 7471 posts of TGT.

That being so, the petitioner cannot claim the deferment of the proceedings in pursuance to the advertisement so as to gain eligibility. A candidate has to have eligibility in pursuance to the advertisement as per the terms and conditions of the advertisement and the recruiting agency is not required to depend upon the eligibility of a candidate or the other so as to initiate the process of selection or for deferring the process once initiated so as to entitle a candidate to gain eligibility to compete for the same. A candidate has no right to claim the deferment of the process of advertisement only to gain eligibility so as to complete for the same.

In the present petition, the reason being given by the petitioner is that one of the essential qualification required under the rules for being eligible for appointment to the post of TGT is that a candidate should have passed HTET examination conducted by the State of Haryana. The said examination has not cleared by the petitioner so far. The petitioner intends to appear for the HTET examination which is to be conducted for the year 2022. Merely that the petitioner has not cleared the examination so far and the HTET examination for the year 2022 is to be conducted on

12/13.11.2022, the same does not give right to claim the deferment of the process of selection in pursuance to the advertisement Annexure P-9.

Further, learned counsel for the petitioner has conceded that prior to the issuance of the advertisement Annexure P-9, the petitioner was eligible to appear in the HTET examination, which examination was conducted in the previous years but the petitioner did not appear in those examinations for the reasons best known to her.

That being so, once the petitioner had an option to clear the HTET examination, even in the previous years but the petitioner choose to appear in those examination and has only applied in pursuance to the HTET examination conducted for the year 2022, the petitioner is to blame herself for not being eligible within the time frame keeping in view the terms and conditions of Advertisement Annexure P-9.

Under these circumstances, the petitioner cannot be allowed to say that as the HTET examination for the year 2022 is to be conducted on 12/13.11.2022, the petitioner should be allowed to appear in the said examination to gain eligibility so as to compete in pursuance to the advertisement Annexure P-9.

Hence, no ground is made out to grant the petitioner the prayer as being raised in the present petition.

It may be noticed here that learned counsel for the petitioner after arguing for some time, withdrew the writ petition but before the order could be signed, he has made a request that as per the instructions of the petitioner, she intends to secure an order on merits.

Keeping in view the facts and circumstances of the present case, the claim of the petitioner is totally frivolous and no ground is made

out for the interference by this Court.

Dismissed.

October 18, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes