

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

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CWP-882-2023 (O&M)

Date of Decision: 17.01.2023

GAJANAND AND ANR

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Pardeep Kumar Kapila, Advocate
for the petitioners.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a direction to the respondents to consider the CTET (Center Eligibility Test) certificate of the petitioners qua the post of TGT, Haryana.

Learned counsel for the petitioners submits that against the TGT posts, the concerned Department has only considered the candidature of the candidates having Haryana Teacher Eligibility Test (HTET) and not considered the candidatures of ones having Central Eligibility Test (CTET). He further submits that petitioner No.1 is a Trained Graduate Teacher (TGT) in Science, whereas petitioner No.2 is in that of Sanskrit; that both the petitioners possess the CTET certificate; that vide order dated 06.09.2021, Additional Chief Secretary, Government of Haryana, had ordered to consider Central Teacher Eligibility Test (CTET) certificate equivalent to the State Teacher Eligibility Test (STET)/Haryana Teacher Eligibility Test (HTET) for all intents and purposes and that vide order dated 16.09.2022, issued by Additional Chief Secretary, Government of Haryana, earlier order dated 06.09.2021 was withdrawn.

While relying upon the judgment dated 03.02.2021, passed by Guahati High Court, in Writ Appeal No.24 of 2021, learned counsel for the petitioners contends that in a similar controversy, the Hon'ble Division Bench of Gauhati High Court, has held that where the candidates were having certificate in CTET, had also qualified in the language test, they could not have been excluded from the selection process. It was held as under:-

“.....In any case, we make it very clear that if this is not the case, the State Government is always at liberty to evaluate such candidates (Central TET candidates) to see whether they have enough language proficiency or not to be teachers in elementary school. All the same, keeping them out altogether from the recruitment, particularly for this recruitment drive, is arbitrary and violative of Article 14 of the Constitution of India and is hit by the doctrine of legitimate expectation and proportionality.”

Learned counsel for the petitioner further submits that in view of the orders dated 05.04.2022 passed by this Court in CWP-4698-2022, the Director, Primary Education vide letter dated 13.06.2022, directed to consider both Bihar Teacher Eligibility Test and Central Teacher Eligibility Test, at par and it was recommended that there was no need for a separate TET.

Learned counsel, thus, submits that the act of respondent No.2 in excluding the candidates having Central Eligibility Test (CTET) and only including the candidates having Haryana Teacher Eligibility Test (HTET), is not justified.

Learned counsel for the petitioners further submits that though the petitioners have moved a representation dated 19.12.2022 to

review and reconsider the case of the petitioners, but no action has been taken upon the same, till date.

Notice of motion.

On the asking of this Court, Mr. RS Budhwar, Additional AG Haryana, accepts notice on behalf of the respondents-State.

At this stage, learned counsel for the petitioners submits that the petitioners would be satisfied if the representation dated 19.12.2022 moved by the petitioners is ordered to be decided by the respondent concerned, within a stipulated time.

Learned State counsel submits that he has no objection, if the aforesaid limited prayer made by the learned counsel for the petitioner is allowed.

In view of above, the present petition is disposed of with the directions to the respondents to decide the representation dated 19.12.2022 moved by the petitioners, within a period of six weeks from the receipt of the certified copy of this order, as per law.

17.01.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>