

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

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**CWP-1692-2023 (O&M)
Date of decision: 30.01.2023**

Sunil Kumar

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manoj Makkar, Advocate for the petitioner.

Mr. R.S. Budhwar, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of mandamus directing the respondents to consider the petitioner for the appointment on the post of Post Graduate Teacher (PGT)-History, Category No.8, under General Special Backward Class (SBC) being eligible by considering the experience certificate from 09.07.2012 to 31.03.2016, which was signed after the interview on 17.05.2017 by respondent No.2.

Learned counsel for the petitioner submits that in terms of the advertisement No. 04/2015 the petitioner had applied for the post being an eligible candidate; that the petitioner secured 102 marks in the written examination and he was called for interview on 15.02.2017; that at the time of interview, the petitioner produced two experience certificates i.e. from 01.04.2008 to 22.06.2012, at B.R.M. Sr. Secondary School, Bharan (Annexure P-4) and from 09.07.2012 to 31.03.2016, at Sahi Ram Sr.

Secondary School, Meham (Annexure P-5); that the experience certificate issued by the Principal, Sahi Ram Sr. Secondary School, Meham, was not signed by the Coordinator of the respondent-Department, due to which same was not accepted by the Interview/Selection Committee and the process of signature of Coordinator was completed on 17.05.2017; that some candidates, who remained absent in the interview on 15.02.2017, approached this Court by way of filing CWP-27021-2016, wherein respondent-Commission was directed to interview the candidates vide order dated 23.10.2017; that thereafter, the petitioner moved an application under RTI Act regarding non-consideration of his candidature, since no information was supplied to him, the petitioner approached this Court by way of filing CWP-5981-2021 and after issuance of notice, respondent No.3-Haryana Staff Selection Commission supplied the information vide letter dated 06.05.2022 (Annexure P-12) and accordingly the petition was disposed of vide order dated 10.05.2022 and that the petitioner is not at fault, it was the Coordinator, who had not signed the experience certificate at an appropriate time and the same could not be presented on time.

I have heard the learned counsel for the petitioner and have also gone through the case file.

The petitioner had applied for the post of PGT (History) under General-SBC Category, and after qualifying the written examination held on 13.12.2016, the petitioner appeared in the interview on 15.02.2017. The petitioner produced two experience certificates dated 11.07.2012 and 17.05.2017 (Annexures P-4 and P-5), before the Screening/Interview Committee, but as Annexure P-5 was not countersigned by the Coordinator of

the respondent-Department and the same was signed on 17.05.2017 i.e. after the date of interview i.e. 15.02.2017, therefore, the same was not considered. Though the information sought by the petitioner under the RTI Act was supplied to him at a later stage but the fact remains that at relevant time the experience certificate was not complete and the same was countersigned by the Coordinator of the respondent-Department on 17.05.2017 i.e. after the 'cut off' date and that is the reason for non-consideration of his candidature for the post of PGT (History), therefore, no case is made out to issue directions to the respondents as prayed for, especially when much water has already been flown.

Moreover, the Hon'ble Supreme Court in 'Ashok Kumar Sonkar Vs. Union of India and others', 2007(4) SCC 54, held that a candidate not holding the requisite qualification on cutoff date will be ineligible and cannot be considered at all. Equity or sympathy will have no role to play in such cases.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

30.01.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No