

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

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**CWP-1744-2023 (O&M)
Date of decision: 30.01.2023**

Asha Deep

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ashish Gupta, 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 award four marks to the petitioner under the Experience Column in the result for the post of Trained Graduate Teacher (TGT) English, on the basis of re-issued experience certificate dated 01.11.2022 (Annexure P-7) pertaining to New Lahoria Vidya Mandir Senior Secondary School, Hisar, because the same were not given as the earlier experience certificate dated 14.04.2015 (Annexure P-5) was not duly stamped from the office of respondent Nos. 4 and 5.

Learned counsel for the petitioner submits that the petitioner had applied for the post of TGT English, being eligible, in terms of advertisement issued by respondent No.2-Haryana Staff Selection Commission, on 23.07.2015; that the petitioner is possessing all the requisite educational qualifications and documents, but the experience certificate dated 14.04.2015

(Annexure P-5) which was placed before the Screening Committee was not countersigned by the Director, Elementary Education, Haryana; that the petitioner applied for new/fresh experience certificate and the same was re-issued on 01.11.2022 (Annexure P-7) and that in view of Annexure P-7, the petitioner is entitled for awarding marks for the experience.

Learned counsel for the petitioner further submits that the selection process is going on and few seats are still lying vacant.

Notice of motion.

On the asking of this Court, learned State counsel accepts notice on behalf of the respondent-State and submits that the petitioner is not entitled for relief as prayed for in view of the judgment rendered by Hon'ble Supreme Court in 'Ashok Kumar Sonkar Vs. Union of India and others', 2007(4) SCC 54, as the final result was declared on 04.10.2022 and at that time, the petitioner was not possessing the experience certificate in terms of advertisement dated 23.07.2015.

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

The petitioner had applied for the post of TGT English, being eligible, in terms of advertisement issued by respondent No.2-Haryana Staff Selection Commission, on 23.07.2015. The experience certificate dated 14.04.2015 (Annexure P-5) produced by the petitioner was not countersigned by the Director, Elementary Education, Haryana and new/fresh experience certificate was re-issued on 01.11.2022 (Annexure P-7), whereas the final selection result was declared on 04.10.2022. Since the petitioner was not having proper/requisite experience certificate in terms of the advertisement

dated 23.07.2015 at the relevant time and in view of the law laid down by the Hon’ble Supreme Court in Ashok Kumar Sonkar’s case (supra), no direction can be issued to the respondents as prayed for.

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

(HARNARESH SINGH GILL)
JUDGE

30.01.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No