

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.109 of 2023 (O&M)

Date of Decision: 06.02.2023

Mandeep

... Appellant

Versus

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

**Present: Mr. Brijesh Nandan, Advocate,
for the appellant.**

ARUN PALLI, J.

This is an intra-court appeal, under Clause X of the Letters Patent, against an order and judgment dated 12.09.2022, as also the order dated 06.01.2023, vide which the writ petition and even the review application moved by the appellant have since been dismissed.

Learned counsel for the appellant submits that pursuant to the advertisement dated 28.06.2015 (P-1), the appellant competed for selection to the post of PGT Chemistry (Rest of Haryana), in the General Category. The final result was declared on 27.12.2018. However, roll number of the appellant did not feature in the list of selected candidates. Resultantly, he moved this Court vide a writ petition, referred to above, and prayed for a direction to the respondents to consider his candidature by taking into account his experience certificate dated 10.10.2016/31.10.2016 (P-5). But, the learned Single Judge dismissed the writ petition on the ground that appellant had failed to append the experience certificate, along with his application form, and the same was not produced even at the time of scrutiny of documents or interview. It is urged that positive case set out by the

appellant has been that he had duly uploaded the experience certificate, along with his application form. Even the attendance sheet for scrutiny of documents (R-2/2), reveals that in the column of experience against his name, typed 'Y' is written, which supports his claim that he had uploaded the experience certificate. Whereas, he submits that the expression 'No' is mentioned in the same column, which he was forced to record by the officials concerned.

We have heard learned counsel for the appellant and perused the record.

At the outset, it is apposite to concisely touch on the pertinence of the experience certificate, in the selection process, for which the appellant had approached this Court. The 'Teaching Experience' had bearing on the selection of a candidate in two circumstances: firstly, where the candidate claimed age relaxation (as per Note-3 of the Advertisement) and secondly, in the selection criteria where the teaching experience, possessed by a candidate, entitled him to 16 marks (as per 'Criteria Adopted for Selection' referred to in the Final Result, P-8); the appellant's grievance, though not expressly pleaded, can be presumed to be rooted in the latter.

Though, the appellant in paragraph No.8 of his replication (page No.198); para 6 of the review, i.e. RA-290-2022, (page No.222); and page Nos.14, 19, 23 and 25 of the present appeal, claims that he had duly uploaded the experience certificate, along with his application form, but the averments made in this regard are palpably false. As the counsel for the appellant, before the learned Single Judge (page 32 of the paper book) conceded: ***"Learned counsel for the petitioner conceded before this Court that no experience certificate was appended along with this application..."***

Not just that, the experience certificate (P-5), upon which the case of the appellant is predicated, is dated 10.10.2016/31.10.2016, whereas, the last date to submit the application form was 21.09.2015. Further, even the written examination was conducted on 16.06.2016, i.e. much before the date (10.10.2016/31.10.2016) the said certificate was issued. Thus, the appellant could not have uploaded the experience certificate, along with his application form. The argument that in the attendance sheet for scrutiny of documents (R-2/2), in the column of experience, typed 'Y' is recorded, and as regards expression 'No', mentioned in the same column, the appellant was forced by the concerned officials to record so, is equally erroneous. The finding recorded by the learned Single Judge, while dismissing the review application moved by the appellant is that when the appellant appeared for scrutiny of documents on 12.04.2017, all the documents produced by him were duly noted by the authorities and attested by the appellant. Further, in the document (R2/2), prepared at the time of scrutiny of documents, it was recorded that no experience certificate was produced, the fact that was certified by the appellant under his signatures. Further, the plea that appellant was forced by the concerned officials to sign the said document also remained unsubstantiated. He never made any such grievance/complaint to the authorities. The matter could be viewed from yet another perspective. The typed 'Y' in the column of experience in the attendance sheet for scrutiny of documents, is only for reference of the authorities that the appellant had claimed experience in his application form. However, neither did the appellant append any experience certificate, along with his application form, nor produced the same at the time of scrutiny of documents (on 12.04.2017) or even during interview (on 30.11.2018).

Further, the experience certificate dated 10.10.2016/31.10.2016 (P-5), relied upon by the appellant, was not even counter-signed by the Director, Secondary Education, though, in terms of the advertisement (page 63 of the paper book), the experience certificate was required to be counter-signed by Director, Secondary Education.

We may also point out that the appellant, vide application under Order 41 Rule 27 of the Code of Civil Procedure, has sought to place on record a teaching experience certificate, which bears the stamp of year 2022, though, he attributes delay in attestation of the said experience certificate to the authorities and COVID-19. We also consider it expedient to point out that, in terms of Note 6 of the advertisement (at page 60), only those candidates, who possessed qualified certificate of HTET/STET (conducted by Board of School Education Haryana, Bhiwani), were eligible. And, the teaching experience of the candidates (as spelt out at page 63) could be considered only after acquiring the essential qualification, along with details of salary of the concerned post. Whereas, a bare analysis of the document (R-2/1), appended with the return, showed that the appellant qualified HTET in the year 2016, and thus, the experience certificate (P-5/A-1), even otherwise, would hardly advance his case.

In the wake of the above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned Single Judge. The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

06.02.2023
AK Sharma

Whether speaking / reasoned: **YES**
Whether Reportable: **YES**