

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

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**CWP-2967-2023 (O&M)
Date of decision: 14.02.2023**

Monika

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sunil Kumar Nehra, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner seeks issuance of a writ in the nature Mandamus directing the respondents to conduct her scientific verification in terms of the judgment of the Division Bench of this Court in CWP-12938-2014 – Maha Singh Bhurania Vs. State of Haryana and others, decided on 06.08.2014 (P.2) and further in view of the fact that the petitioner is in the waiting list, in the result declared on 13.07.2015 and the respondents are giving appointments to the candidates as per the decision of the Apex Court in Vikas Kumar and others v. State of Haryana and others, decided on 13.09.2022.

Learned counsel for the petitioner submits that an advertisement was issued by the respondents on 08.11.2012 for recruitment of primary teachers and the Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET) of Haryana was an essential qualification for the said post. It is further submitted that Rule 7 Appendix B of the Haryana Primary School Education (Group-C) District Cadre Service

Rules, 2012, was challenged by way of CWP-346-2013 before this Court; that on 29.04.2015 the said writ petition was disposed by the Division Bench of this Court, in view of the concession given by the Advocate General, Haryana that the State Government was willing to consider for appointment the candidates, who had acquired HTET qualification beyond the cut off date. It is further submitted that thereafter, in CWP-12938-2014, a prayer was made that before giving appointments, credential of each of the candidates should be verified and also technical verification be made before making appointment and that the said writ petition was disposed of on 06.08.2014 permitting the respondent-Board therein to declare the result of primary teachers and issue appointment letters only after verifying the antecedents of each of the candidates and after making scientific verification as available.

Yet further, it is contended that in compliance with the said directions of the Division Bench, the result was declared and the name of the petitioner found mention in the waiting list of the general category; that against the decision dated 06.08.2014, an Special Leave Petition (SLP) was filed and the Hon'ble Supreme Court, while disposing of the said SLP directed that after filling up of 9870 vacancies, the 2233 candidates, who had qualified the HTET after the cut-off date, sometimes in June, 2013, will be appointed as per their inter-se merit en-bloc below the above 9870 candidates. It is the case of the petitioner that she had also passed the HTET after the cut off date and is in the waiting list, but her scientific verification has not been done till date and thus, the requisite directions to the

respondents, are prayed for.

I have heard the learned counsel for the petitioner.

In a nut-shell, it transpires that the prayer in the present writ petition is for implementation of the order dated 13.09.2022, passed by the Hon'ble Apex Court in the aforesaid SLP. It is the case of the petitioner that in terms of the directions contained in the order 13.09.2022 passed by the Hon'ble Apex Court, the State should be directed to conduct her scientific verification. However, this Court is of the considered opinion that the petitioner cannot maintain a writ petition for implementation of the said order. The directions contained therein are to be complied by the State and moreover, the order dated 13.09.2022 was passed by the Hon'ble Supreme Court, with the consent of the counsel appearing for all the parties. Non-compliance of the said directions, if any, cannot be taken cognizance of by this Court in the present writ petition. Thus, no directions are either are called for or can be issued by this Court in the present writ petition.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

14.02.2023
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No