

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

CWP-4980-2019

Date of Decision: 16.01.2023

Pooja Rani

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Jitender S. Chahal, Advocate, for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

HARNARESH SINGH GILL, J.

The petitioner seeks issuance of a writ in the nature of Mandamus directing the respondents to consider her eligible for the post of Post Graduate Teacher (PGT)-Punjabi. A further writ of Mandamus is also sought directing the respondents to issue interview call letter, interview the petitioner and include her name in the final selection list.

Learned counsel for the petitioner contends that vide advertisement dated 28.06.2015 issued by respondent No.2, online applications were invited for direct recruitment to fill up the posts of PGT (Group-B) Services; that the petitioner being eligible, had applied for the post of PGT-Punjabi in the Economically Backward Persons of General Category (EBPGS); that it was stipulated in the said advertisement that the candidates, who are having/passed Haryana Teacher Eligibility Test (HTET) till the date of interview after advertisement will be allowed for interview on the basis of acquiring HTET (Test); that the written examination was held on 03.03.2016 and the petitioner secured 72 marks; that the petitioner was called for scrutiny of documents and the same was done on 06.12.2016, but

only five candidates, belonging to EBPGC, having secured 74 marks, were called for interview; that the petitioner had appeared in HTET examination held on 8.6.2016, but she was declared unqualified vide result declared on 25.07.2016 and that ultimately, in pursuance of the orders passed by this Court in CWP-15979-2016, the result was revised and the petitioner was declared qualified. It is, thus, contended that the petitioner ought to have been considered eligible. It is yet further contended that 3 posts of PGT-Punjabi in the category of the petitioner are lying vacant, but despite representation dated 07.08.2017 made by the petitioner to respondent No.2, nothing fruitful has yielded till date.

On the other hand, the learned State Counsel would vehemently argue that the petitioner appeared for scrutiny of the documents on 06.12.2016, but was found ineligible due to not having cleared HTET examination; that it is the stand of the petitioner herself that she cleared said examination on 02.08.2017, whereas the result of the PGT-Punjabi, was declared on 23.02.2017 and interview of the shortlisted candidates were held on 28.12.2016. It is, thus, contended that the petitioner did not have the requisite qualification of HTET as on the date of the shortlisted candidates and hence, no indulgence is required to be granted to the petitioner.

At this stage, learned counsel for the petitioner would argue that the respondents have called for interview certain candidates belonging to other categories, who had acquired HTET qualification after the date of interview of the initially shortlisted candidates and therefore, the petitioner should also be granted similar relief.

I have heard learned counsel for the parties.

It is an undisputed fact that the petitioner after having qualified the written examination for the post of PGT-Punjabi, was

called for scrutiny of documents and the same was done on 06.12.2016. However, the petitioner was found not possessing the qualification of HTET. Hence, only five candidates, having requisite qualifications, were called for interview. The interview was held on 28.12.2016. The petitioner acquired HTET qualification on 02.08.2017 i.e. after the date of interview. The counsel for the petitioner submits that respondents have called for interview the candidates belonging to the other categories, who were not eligible on the date of scrutiny and they have been selected.

The present writ petition was filed on 20.02.2019. There is neither any detail nor averments made in the writ petition, qua the alleged interview and selection of the candidates belonging to other categories, who were not having requisite qualifications as on the date of scrutiny of the documents. Be that as it may, the petitioner alleges that said candidates were interviewed and selected by the respondents after the filing of the writ petition filed by the petitioner.

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

However, the petitioner, if so advised, is at liberty to challenge any subsequent action of the respondents.

16.01.2023
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No