

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

CWP-7597-2023

Reserved on:- 17.04.2023

Pronounced on: .21.04.2023

USHA DEVI

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vikram Sheoran, Advocate, for the petitioner.

Mr. RS Budhwar, Additional AG Haryana.

HARNARESH SINGH GILL, J.

Prayer in this petition is for issuance of a writ in the nature of Mandamus directing the respondents to consider the case of the petitioner in recruitment process for the post of Trained Graduate Teachers (TGT) Sanskrit and English, as advertised vide advertisement dated 21.02.2023 (Annexure P.2) by granting age relaxation in the upper age limit.

It is the case of the petitioner that on 21.02.2023, the respondent-Commission issued advertisement for various posts including 714 posts of TGT Sanskrit; that the last date for submission of the application forms was 15.03.2023; that the petitioner possesses all the requisite qualifications, including Haryana Teacher Eligibility Test (HTET); that the age limit for the posts in question, was between 18 and 42 years and that the petitioner was unable to submit her online application, being overage.

Learned counsel for the petitioner would vehemently contend that the posts in question, have been advertised after a gap of many years; that earlier, the respondent-Commission, had issued advertisement No. 02/2022 dated 27.09.2022, but later on the same was withdrawn and vide notice dated 27.02.2023 issued by the respondent-Commission, it was stipulated that the candidates, who had applied in response to the advertisement dated 27.09.2022, would also be eligible, provided they were possessing valid HTET/STET on the last date of submission of the form i.e. 26.10.2022, of the said advertisement.

Learned counsel for the petitioner further contends that the petitioner should also be treated at par with the candidates, who had earlier applied in response to the advertisement dated 27.09.2022 and that under Rule 17 of the Haryana School Education (Group-C) State Cadre Service Rules, 2012, the authorities can grant age relaxation, in respect of any class or category of the persons.

On the other hand, learned State counsel would argue that it is not the case of the petitioner that she had applied in response to advertisement dated 27.09.2022 and, therefore, she cannot seek parity with the candidates, who had applied in response to the said advertisement and were possessing the requisite qualification of HTET/STET on the last date of the said advertisement.

I have heard the learned counsel for the parties.

Indisputably, the petitioner did not apply against advertisement No. 27.09.2022, which was later on withdrawn and subsequently, the present advertisement was issued. Under the present advertisement, vide notice dated 27.02.2023, the candidates, who had earlier applied in response to the advertisement dated 27.09.2022 and

were possessing valid HTET/STET qualification as on the last date i.e. 26.10.2022 of the said advertisement, were given age relaxation. There is neither any document on record to indicate nor it is the case of the petitioner that the petitioner had applied in response to the said advertisement. Thus, the petitioner cannot seek parity with the said candidates. It is a settled law that law comes to the rescue of those, who are vigilant and not the ones, who sleep over their right.

A Division Bench of this Court in LPA-285-2023 – Gaurav Sangwan Vs. State of Haryana and others, decided on 16.03.2023, while affirming the decision of this Court dismissing the writ petition, has held as under:-

“.....There is a schedule that needs to be strictly followed by every aspirant. A candidate who has not been vigilant, and has squandered the opportunity with his casual attitude cannot seek the indulgence of a writ court merely on the plea of his merit to deny other candidates, who have been meticulous and alert, access to the next stage of the selection. Making such an exception, would not only endlessly stretch the recruitment process, but also put its sanctity under a cloud.....”

No other point has been urged.

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

21.04.2023

Aman Jain

Whether speaking/reasoned
Whether reportable

(HARNARESH SINGH GILL)
JUDGE

: *Yes/No*
: *Yes/No*