

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

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**CWP-23160-2018 (O&M)
Date of decision: 09.03.2023**

Manish Kumar

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.K. Yadav, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of mandamus directing respondent No.2 to allow the petitioner to join at Government Model Sanskriti Senior Secondary School (GMSSSS), Sector 43, Gurugram, and quashing the deputation orders of respondent No.3 (Annexure P-4 and P-6).

Learned counsel for the petitioner submits that a notice was issued by the respondents on 12.01.2018 (Annexure P-1) inviting applications from the Principals/Post Graduate Teachers (PGTs)/Primary Teachers (PRTs)/Trained Graduate Teachers (TGTs) working on regular basis in the Government Schools, willing to be posted in the Model Sanskriti Schools in the State of Haryana; that the petitioner is posted as PTI and pursuant to the notice dated 12.01.2018, the petitioner also applied on 24.01.2018 and was called for interview on 07.03.2018; that the result was declared on 27.03.2018/02.04.2018 (Annexure P-4); that respondent No.3-Manoj Yadav

is from other cadre and not having any additional award or achievement, but even then the candidature of the petitioner, who is three times State awardee and more meritorious than respondent No.3, was not considered and that on a complaint of the petitioner, the services of respondent No.3 have already been terminated on 02.06.2020.

Learned State counsel while rebutting the arguments of the learned counsel for the petitioner submits that the Model Sanskriti Schools are English Medium Schools; that vide notice dated 12.01.2018 (Annexure P-1), applications were invited directly from the Principals/PGTs/PRTs/TGTs working on regular basis in Govt. School in Haryana; that in the notice it was specifically mentioned that the applicant should be fluent in English speaking and must be able to teach his/her subject in English, except the languages like Hindi/Sanskrit/Punjabi and the department reserved the right to reject any candidature without assigning any reason, if not found suitable by the authorities; that on the basis of interview, the final result was declared on 27.03.2018/02.04.2018, wherein respondent No.3-Manoj Yadav was selected as PTI and his name was at Sr. No.45; that in the notice, there was no condition that the selection would be made on the basis of the scrutiny of documents and extra achievements of the candidates and that the appointment, was rightly given to respondent No.3.

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

Perusal of the case file would itself reveal that the application of the petitioner was duly considered and as per the notice dated 12.01.2018 (Annexure P-1), for his posting in the Model Sanskriti Schools, the applicant should be fluent in English speaking and must be able to teach his/her subject

in English except languages like Hindi/Sanskrit/Punjabi and the selection was to be done on the basis of interview only. There was no stipulation of condition of scrutinizing the documents and other achievements, of the candidates.

As the only criteria for selection was the interview of the candidates and there was no stipulation contained in the notice dated 12.01.2018 (Annexure P-1), that State Awards shall also be considered, this Court does not find any merit in the present writ petition.

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

(HARNARESH SINGH GILL)
JUDGE

09.03.2023
Mangal Singh

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