

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

210

**CWP No. 3726 of 2017
Date of Decision : 19.7.2023**

*Nishat**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: None for the petitioner

Ms. Tanushree Gupta, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed seeking a writ of *certiorari* quashing the condition of passing B.Ed. Examination as imposed by the Commission mentioned in the Corrigendum, Annexure P-2.

2. It is apparent from written statement filed by respondent no.3 that the petitioner applied under General Category for the post of PGT-Biology (Rest of Haryana Cadre) under Category No.1. He appeared for the written examination on 6.12.2015, and was declared qualified as per result dated 16.1.2017. The respondent Commission called him for scrutiny of documents, alongwith the other candidates, on 28.1.2017, vide notice dated 16.1.2017. He was found not eligible on account of not possessing B.Ed. Certificate.

3. The petitioner thereafter filed the instant petition dated 22.2.2017, impugning the essential qualifications of B.Ed. from a recognized university, which was notified as one of the conditions in the

advertisement as well, which are as under:

M.Sc. Zoology/Botany/Bio-Sciences/Bio-Chemistry/Genetics/Micro Biology/Plant Physiology/Bio-Technology/Life Sciences/ Molecular Bio with at least 50% marks provided that the applicant had studied Botany and Zoology at Graduation level and B.Ed. from recognized university.

4. These essential qualifications for the post in question have been prescribed in the service rules, the Haryana State Education School Cadre (Group B) Service Rules, 2012. Therefore, no exception can be taken to the same. Besides, the petitioner was well aware about the essential qualifications which he was required to possess to be eligible for the post. He knowingly participated in the selection process, appeared in the written examination as well as in the scrutiny of documents, and only after being declared ineligible on account of not possessing the essential qualification, he has approached this Court by filing the instant petition, which is not maintainable. As per settled law, after participating in the selection process without any protest about the conditions of advertisement, one cannot be allowed to turn around and challenge the same.

5. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

19.7.2023

Ashwani

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