

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

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**CWP-3924-2017 (O&M)
Date of decision: 27.02.2023**

Anita

...Petitioner

Versus

Haryana Staff Selection Commission and Anr.Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sagar Aggarwal, 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 Certiorari quashing the Show Cause Notice dated 17.11.2015 (Annexure P-20) issued by respondent No.2, whereby the experience certificate(s) of the petitioner was found to be 'unjustified/irrational' and directing the respondents to issue the joining letter to the petitioner in accordance with the eligibility criteria prescribed in the advertisement No.1 dated 07.06.2012 (Annexure P.1), published by the Haryana School Teachers Selection Board.

Learned counsel for the petitioner submits that in terms of the aforesaid advertisement, the petitioner, being eligible, had applied for the post of Post Graduate Teacher (PGT) Sanskrit; that she had been successful to make the grade and was placed at Sr.

No.778 in the merit and selected for the post after due verification/scrutiny of documents and interview, by the Board; that the selected candidates, including the petitioner, had been allotted their stations of work, but no joining letter was issued to the petitioner and that upon an inquiry, it was learnt that the respondent-Department has issued show cause notice to Asha Deep Sr. Secondary School, Samalkhan, Panipat, that the experience certificate issued by the said School was found unjustified/irrational.

Learned counsel for the petitioner would further submit that under the directions of the Haryana School Teachers Selection Board, the Departmental Verification Committees, were constituted to verify the experience certificates and other documents of the selected candidates and the petitioner was called upon to submit her experience certificate(s) as well; that the petitioner submitted two experience certificates i.e. one issued by Asha Deep Sr. Sec. School, Samalkhan, Panipat (from 01.10.2005 till 31.07.2007 and another one by Sant Haridass Sr. Sec. School, Ridhau, Sonipat (from 01.11.2008 to till date i.e. 13.08.2012); that vide notice dated 17.11.2015 (Annexure P-20) issued by the Director, Secondary Education, Haryana, the petitioner was informed that the PGTs are required to take maximum 6 periods in a day i.e. a total 36 periods per week and that there should be 50 students in each section. It is further submitted that there was no such clause in the advertisement and the same was imposed at a later stage and that the experience certificates produced by the petitioner were not taken into consideration by the Departmental Verification Committee.

Learned counsel for the petitioner further submits that

vide letter dated 23.02.2017 issued by the Director Secondary Education, Haryana, the petitioner was asked to appear before the Documents Verification Committee on 01.03.2017 and in response thereto, the petitioner appeared before the said Committee and had tendered all the requisite documents and the record relating to the petitioner was also forwarded by the Principal, Sant Hari Dass Sr. Sec. School, Ridhau (Sonapat) vide letter dated 21.03.2017 (Annexures P-25), but the same has also not been considered.

Learned State counsel submits that the Show Cause Notice dated 22.10.2014 (Annexure P-11) was issued to the Management of the concerned School to explain and justify the reasons regarding issuance of experience certificate to the petitioner and the reply received thereof was not found satisfactory. It is further submitted that pursuant to the representation dated 03.05.2018 submitted by the petitioner to re-examine her claim for appointment, one more opportunity was granted to her to appear on 06.12.2018 before the Verification Committee, but the petitioner again failed to prove the genuineness of her claim. It is, thus, submitted that as the Committee was not satisfied, a notice was again issued to the petitioner on 07.08.2019, but no reply thereto was filed by the petitioner. The learned State counsel submits that one post is still kept vacant.

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

The issue involved in the present writ petition hinges around the authenticity of the experience certificates produced by the petitioner before the Verification Committee. As the learned State counsel has stated that one post has been kept vacant, in the

considered opinion of this Court, the ends of justice would be fully met, in case respondent No.2-Director Secondary Education, Haryana, is directed to re-constitute a fresh Verification Committee, at the earliest, to examine the authenticity of the experience certificates of the petitioner. Ordered accordingly.

It is made clear that upon constitution of the said Committee, the said Committee shall issue a notice to the petitioner to appear before it with the requisite records/documents so that the genuineness/authenticity of the said certificates could be ascertained by the Committee.

The post of PGT Sanskrit, which, according to the learned State Counsel, is still vacant, shall not be filled, till the completion of the aforesaid exercise. Needless to observe that in case the petitioner's claim is found genuine, she would be offered appointment, as per Rules.

Disposed of.

(HARNARESH SINGH GILL)
JUDGE

27.02.2023
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No