

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

CWP-5830-2017
Date of Decision: 21.02.2023

<u>Chander Kant</u>	Petitioner
<u>Versus</u>	
<u>State of Haryana and others</u>	...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vaibhav Sharma, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

HARNARESH SINGH GILL, J.

The petitioner seeks issuance of a writ in the nature of Mandamus directing the respondents to allow him to continue in service as a Guest Teacher (Hindi) at par with the other similarly placed employees, in accordance with the interim stay order dated 11.07.2016 passed by the Hon'ble Apex court in SLP(Civil) No. 16045-2016.

It is the case of the petitioner that he was appointed as a Guest Teacher (Hindi) in the respondent-Department on 16.01.2006. He was issued a show cause notice on 21.03.2011 regarding the recognition of the University, where he had obtained his degree from and ultimately his services were terminated on 07.09.2012. The petitioner along with other employees, had challenged the termination order(s) by way of CWP-20406-2012 – Jai Pal and others Vs. State of Haryana and

others and vide order date 01.11.2012 passed by a Coordinate Bench of this Court, the respondents were directed to take back in service the petitioners therein (including the petitioner) till the regular appointments were made. It is further the case of the petitioner that instead of complying with the aforesaid directions, the respondent-authorities continued a protracted inter-se communications, as regards the joining of the petitioner by seeking unnecessary clarification(s) therein. Thereafter, vide communication dated 12.11.2014 issued by the Joint Director, Masters Elementary Education, Haryana, the petitioner was called for documents verification; that the petitioner had appeared for documents verification, but the matter was kept pending and ultimately, vide letter dated 26.02.2016, written by the District Elementary Education Officer, Kurukshetra to the Director Elementary, Haryana, Panchkula, guidance and clarification was sought as regards the appointment of the petitioner as he was lacking the requisite qualification.

Learned counsel for the petitioner would argue that once, the documents were already verified, there was no occasion for respondent No.3 to seek guidance/clarification regarding the appointment of the petitioner. It is further submitted that the similarly situated candidates, namely, Ajay, Rohtas and Jai Pal, possessing the same qualifications as that of the petitioner, have been working in the department since 2006. Yet further, it is contended that the requisite documents as regards his educational qualifications were verified and the

course of action now being adopted by the respondents, is with a view to ousting him from the service.

On the other hand, learned State counsel, while referring to the reply filed on behalf of respondent Nos. 1 to 4, submits that the petitioner has acquired qualification of Prabhakar from Punjabi University, Patiala, but has not acquired qualification of O.T. or LTC; that the petitioner has acquired B.A. degree from Hindi Sahitya Sammelan Prayag Allahabad, which is not a recognized University. It is further submitted that the petitioner does not possess the requisite qualification for being appointed or to continue working as a Guest Teacher (Hindi).

I have heard the learned counsel for the parties, but I do not find any merit in the present petition.

The sole grievance of the petitioner is that the respondents are calling the petitioner for verification of his documents/qualifications. This Court cannot go into such aspect of the matter. As noticed above, it is the stated position of the respondents that the petitioner is not having requisite qualification for being appointed as Guest Teacher (Hindi). The respondents are well within their rights to get the verification of the documents of the petitioner done to ascertain whether he possesses the requisition qualification for being appointed or holding appointment of a Guest Teacher (Hindi). The grievance of the petitioner arises out of the communication dated 26.02.2016, written by the District Elementary Education Officer, Kurukshetra to the Director Elementary, Haryana,

Panchkula, seeking guidance and clarification as regards the appointment of the petitioner as he was lacking the requisite qualification. There is no explanation forthcoming, except that the documents were already verified, as to why the petitioner does not want the verification of his documents, may be again.

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

21.02.2023
ds

(HARNARESH SINGH GILL)
JUDGE

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