

CWP-9464-2017

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

CWP-9464-2017

Date of decision: 16.01.2023

Anoopam Sharma and others

...Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Lalit Goyal, Advocate,
for the petitioners.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The present writ petition has been filed for issuance of directions to the respondents to consider the petitioners for the recruitment of Primary Teachers under differently-abled/Handicapped Category in terms of the advertisement dated 08.11.2012, issued by the Haryana School Teachers Selection Board.

Learned counsel for the petitioners contends that the petitioners were declared unqualified in Haryana Teachers Eligibility Test (HTET) Level 1 Primary Teachers, under differently-abled category; that some of the candidates belonging to physically handicapped category, approached this Court seeking relaxation of 5% marks in HTET, which had been allowed with an observation that their result would be redone by considering them to have passed the examination, if they had secured 55% or above in HTET examination; that thereafter, the revised result of the

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petitioners for HTET Level-I, Primary Teachers, was issued whereby they had been declared qualified, and that the petitioners made various representations to the authorities concerned to consider their candidature for the posts of primary teachers advertised in 2012 for the reason that they had been deprived of the said recruitment process due to fault on the part of the respondents.

On the other hand, learned State counsel submits that the petitioners did not apply for the posts of Primary Teachers against advertisement No.2/2012, and that selection process of the said posts has already been finalized and, therefore, the petitioners cannot be considered for the aforesaid posts against the advertisement No.2/2012.

I have heard the learned counsel for the parties.

Indisputably, the petitioners had not applied for the posts of Primary Teachers (Group-C) against advertisement No.2/2012. The last date for submitting online application for the said posts was 08.12.2012. Clause No.3 of the aforesaid advertisement would read as under:

“Candidates applying must ensure that they fulfil all the eligibility conditions on the last date of application. If on verification at any time before or after the written examination or interview or appointment, it is found that they do not fulfil any of the eligibility conditions or it is found that the information furnished is false or incorrect, their candidature will be cancelled.”

The petitioners were issued Haryana Teacher Eligibility Test (HTET) Certificate, on 31.01.2017. However till 08.12.2012 i.e. the last date for submission of online application, the petitioners did not possess the requisite qualifications. It is the advertisement, which is the

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magna carta for the purpose of determining the eligibility of the candidates for selection and appointment to the posts advertised.

Moreover, the selection process for the aforesaid posts stands completed and the selected candidates have been appointed with the concerned department. The petitioners were not the candidates competing in pursuance of the said advertisement. The petitioners cannot be allowed to set the clock back, especially when they did not apply for the posts advertised.

In view of the above, this Court does not find any merit in the present petition.

Dismissed.

16.01.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No