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

CWP-21348-2023

Date of Decision: 25.09.2023

Kiranjit Kaur

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. P.K.S. Phoolka, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner has filed this writ petition claiming that she should not be deprived of her selection on the post of Hindi Teacher (Master Cadre) on account of the fault of the respondents.

2. It is submitted that the Punjab State Teacher Eligibility Test (hereinafter referred to as 'PSTET') 2017 was conducted in the year 2018 and the result was declared on 13.04.2018, while the selection process for appointment of Hindi Teacher (Master Cadre) was initiated in the year 2017 and the cut off for submitting qualifying certificates including certificate of PSTET exam was 20.11.2017. Learned counsel submits that after 2016, the respondents did not conduct PSTET exam in 2017 but as per the guidelines of the National Council for Teachers Education (hereinafter referred to as 'NCTE'), the respondents are required to conduct PSTET twice in a year at regular intervals. Had the respondents conducted PSTET Examination-2017,

in 2017 itself, there was no occasion for the petitioner to have approached this Court but on account of the fault of the respondents in delaying the conduct of the examination and declaring of the result of PSTET-2017 in April, 2018, the petitioner should not be deprived of her merit in the selection conducted by the respondents for the post of Hindi Teacher (Master Cadre).

3. I have considered the submissions.

4. The last date for scrutiny of documents as per the advertisement for appointment on the post of Hindi Teacher (Master Cadre) as published was 20.11.2017. Admittedly, the petitioner had not obtained the PSTET certificate upto 20.11.2017 and the certificate has been issued to him on 13.04.2018 i.e. much belatedly. Whether the employing authorities would be bound by the actions of the examining body, which conducts the PSTET exam, is the question before this Court? In the opinion of this Court, while the selection for appointments are done by the Recruitment Directorate of the Director Education, the exam is conducted by the State Council of Education Research and Training, Punjab, for PSTET, thus, there are two different bodies. Delay in conducting examination of course cannot be appreciated and it is necessary that the exams should be conducted twice in an year in terms of the orders and guidelines issued by the NCTE but if the said examination is delayed for one reason or the other, no right has accrued in favour of any candidate to participate in that examination to be included in the selection process, for which she has not acquired the qualification upto the cut off date.

5. The petitioner was wholly ineligible to participate in a selection process as on the cut-off date she does not possess the requisite qualification.

6. The writ petition is wholly misconceived and is accordingly dismissed with costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Bar Association Welfare Fund.

7. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

25.09.2023.

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1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No