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

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CWP-19109-2014

Date of Decision: 25.11.2024

Manju Kumari

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Tara Chand Dhanwal, Advocate for the petitioner

Mr. Parveen Mehta, DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the second respondent/Haryana School Teachers Selection Board, to consider the petitioner for the post of PGT Sanskrit as Scheduled Caste (SC) category candidate, pursuant to advertisement 01/2012, dated 07.06.2012.

2. It has been contended by learned counsel for the petitioner that the Board issued the aforementioned advertisement inviting applications for various posts of PGT Sanskrit, including 293 posts under SC category; closing date for submission of applications was extended from 28.06.2012 to 09.07.2012, which was again extended to 15.07.2012. The petitioner applied for the same, and was interviewed on 30.01.2013. However, her application form for the post was rejected vide memo dated 17.02.2014, Annexure R-2/1, on the ground '*exp. certificate c/signed by DSE after cut off date*'. Final selection result was declared on 27.06.2014, wherein 136 posts remained vacant. It has further been contended by the learned counsel that the petitioner's

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rejection was on unfounded grounds, since her experience certificate had been countersigned by Director, Secondary Education, Haryana, on 04.07.2012, which had been appended to the petition as Annexure P-6. Therefore, there was no basis to reject her application form, and she had a right to be considered for selection. He has also relied upon the instructions mentioned in the interview call letter, dated 16.07.2012, that after verification of documents/scrutiny only eligible candidates will be interviewed. Once the petitioner's documents were verified prior to the interview, there was no occasion to reject her application form on this account as well.

3. *Per contra*, learned State counsel has submitted that the respondent Selection Board was disbanded by the Government vide notification dated 03.12.2014, by repealing the Haryana School Teachers Selection Board Act, 2011 (hereinafter referred to as 'the 2011 Act'), and all proceedings pending before the repeal were transferred to the Haryana Staff Selection Commission. The written statement has accordingly been filed by the Commission through its Secretary (Legal). It to the effect that the petitioner is not the only one whose application form was rejected on account of experience certificate having been countersigned after the cut-off date; as apparent from the letter of rejection dated 17.02.2014, application forms of many other candidates were also rejected for the same reason. As per record, experience certificate, dated 26.06.2012, said to have been countersigned on 04.07.2012, was not received by the Commission along with the application form from the Board when the selection record was transferred pursuant to repeal of the 2011 Act. In the absence of record, the Commission cannot offer any comments to the petitioner's assertion.



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5. The petitioner approached this Court against rejection of her application form for the post of PGT Sanskrit on the ground of submitting experience certificate which was countersigned by the Director, Secondary Education after the cut-off date. Whereas, as per averments in the petition, the petitioner submitted her experience certificate, dated 26.06.2012, which was countersigned by the Director before the closing date on 04.07.2012. This, however, is a disputed fact, as the respondents have taken a specific plea that the said experience certificate has not been received by the Commission along with the petitioner's application form and is not a part of the selection record. The petitioner has not contested the plea by filing any counter-affidavit, and has also failed to place on record any material/document which could even *prima facie* establish that the said certificate was appended/uploaded along with the application form submitted by her. In view of the disputed facts, the petitioner's claim for consideration against the advertised post on the basis of such a certificate cannot be accepted.

6. In view thereof, the petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

25.11.2024

Payal

*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*