

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

227

CWP-26527-2016 (O&M)  
Date of Decision: 23.04.2024

Sandeep Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON’BLE MR. JUSTICE AMAN CHAUDHARY**

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Present: Mr. B. S. Baath, Advocate for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab

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**AMAN CHAUDHARY, J. (Oral)**

1. The prayer in the petition is for directing the respondents to declare the result of the petitioners and issue appointment letters to them against the post of ETT Teachers.
2. Learned counsel submits that the result of the petitioners, in advertisement dated 09.11.2015 was withheld only on the ground that they had passed the basic teachers certificate (BTC), which is equivalent to ETT, from Bhartiya Shiksha Parishad Uttar Pradesh, University, whereas one Bandhana Devi, who had also obtained the certificate from the said University, was granted appointment.
3. Learned State counsel makes a reference to para 4 of the written statement, to submit that a show cause notice had already been issued to the said-Bandhana Devi and even otherwise the selection process has ended as also that appointment letters have already been issued to the selected candidates.
4. The present petition deserves to be dismissed as no benefit can be

granted to the petitioners on an erroneous act of the respondents of granting appointment to an ineligible candidate, moreso when a show cause notice has already been issued by Department to her, in view of the law laid by Hon'ble the Supreme Court in **John Vallamattom vs. Union of India** (2003) 6 SCC 611, **Uttaranchal Jal Sansthan vs. Laxmi Devi**, (2009) 7 SCC 205, **State of W.B. vs. Debasish Mukherjee** (2011) 14 SCC 187 and **Usha Mehta vs. State of A.P.** (2012) 12 SCC 419, reiterated in **Chebrolu Leela Prasad Rao vs. State of A.P.**, (2021) 11 SCC 401, that equality cannot be pressed to commit another wrong, since the same is a positive concept and not negative. It cannot be used to perpetuate an illegality. The doctrine of equity would not be attracted when the benefits are conferred on the basis of an illegality.

5. In wake of the aforesaid, the present petition is liable to be and hereby dismissed.

**(AMAN CHAUDHARY)**  
**JUDGE**

**23.04.2024**  
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Whether speaking : Yes/No

Whether reportable : Yes/No