

CWP-19514-2024

2024:PHHC:103601



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

CWP-19514-2024

Date of Decision: 12.08.2024

AJAY KUMAR AND OTHERS**...Petitioners****Vs.****STATE OF HARYANA AND ANOTHER****...Respondents****CORAM:- HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Mohit Garg, Advocate for the petitioner.

Mr. R.S. Budhwar, Addl. AG, Haryana.

Mr. Kanwal Goyal, Advocate for respondent no.2.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari*, quashing Note 2 to Clause 6 of advertisement no. 18 to 37 of 2024, Annexure P-4, inviting applications for 3069 posts of Post Graduate Teacher (PGT) in various subjects, on the ground “it has no rationale in fixing the cut-off date to be the closing date for submission of application forms”, and is contrary to Clause 1 which prescribes that eligibility is to be seen after a candidate has qualified for interview. Further, a writ of *mandamus* may be issued directing the respondents to allow the petitioners to appear in the selection process for the advertised posts without possessing HTET/STET certificate.

2. Learned counsel for the petitioner contends that Clause 1(i) of the advertisement prescribes that eligibility is to be assessed only after a candidate has qualified for the interview, whereas Note 2 (i) to Clause 6 prescribes that eligibility is to be determined on the closing date, 14.08.2024,



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fixed for submission of online application forms; these two are contrary to each other. These two clauses in the advertisement read as under:

1. CANDIDATES TO ENSURE THEIR ELIGIBILITY FOR THE POST.

(i) The Candidates applying for the post should ensure that they fulfill all eligibility conditions for the post. Their admission to the recruitment process will be purely provisional subject to satisfying the prescribed eligibility conditions. Mere issuance of e-Admit Card to the candidate will not imply that her/his candidature has been finally cleared by the Commission. The eligibility of a candidate with reference to the documents submitted by her/him is assessed only after the candidate has qualified for the interview.

6. ESSENTIAL QUALIFICATION:

xxx xxx xxx

NOTE 2:-

- (i) The eligibility of candidates with regard to educational qualifications shall be determined on the **Closing Date i.e. 14.08.2024** fixed for submission of online application forms.
- (ii) All applicants must fulfill the essential requirements of the post and other conditions stipulated in the Advertisement on the Closing Date i.e. **14.08.2024**. They are advised to satisfy themselves before applying that they possess at least the essential qualifications laid down for various posts. No enquiry asking for advice as to eligibility will be entertained.
- (iii) The certificates/ documents in support of the claim should be possessed by the candidates on or before the **Closing Date i.e. 14.08.2024**. The certificates issued after the Closing Date will not be accepted by the Commission.
- (iv) The improvement in marks obtained by a candidate after the **Closing Date i.e. 14.08.2024** shall not be considered for any purpose in this recruitment.

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- (v) xxx xxx xxx
- (vi) xxx xxx xxx

2.1 Therefore, the advertisement prescribes two cut-off dates for the candidates to be eligible; the closing date to submit the forms and the date/stage after the candidate has qualified for the interview. This makes Note 2 illegal and irrational, since the eligibility as per Clause 1(i) is to be determined after a candidate qualifies for interview. In fact, the eligibility needs to be determined at a stage after the interview only as the selection process is lengthy, and the candidates can acquire qualifications up to the date of interview. Therefore, the petitioner should be permitted to participate in the selection process without possessing HTET/STET certificate, which is only an eligibility test and no weightage is to be given for the same during the selection. By the time stage of interview is reached, he would clear HTET which is generally held in October/November every year.

3. Learned counsel for the Commission, appearing on advance notice, contends that eligibility of all the candidates is required to be determined on the closing date for submission of application forms in response to the advertisement. Clause 1(i) only requires that eligibility is to be assessed after they have qualified for the interview. This assessment is to determine the eligibility as on the cut-off date, and does not extend the date of eligibility for the post.

4. After hearing learned counsel for the parties, this Court is of the considered view that Clause 1(i) is not contrary to Note 2 of Clause 6 in any manner. The former only requires the recruiting agency, Commission, to assess a candidate with respect to qualifications after he/she has qualified for the interview, and not before that. This assessment would not extend the closing date for submission of application forms, as it is only to ascertain



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whether the candidate was qualified and possessed all the requisite certificates/qualifications on that date. The rationale appears to be assessing the eligibility of those candidates only who have cleared the initial stages of selection and qualified for interview, which is the final stage of selection. Looking at the number of posts advertised, it is evident the number of applicants would be huge, and in case eligibility of each candidate is to be assessed at the initial stage/soon after submission of applications, it would be a humongous task requiring too much of time and effort. In this process, the Commission would end up assessing eligibility of candidates who might not qualify to be considered for selection finally by clearing earlier stages in the process. Resultantly, the effort would be a waste of time and energy, which is not justifiable, especially looking at the manpower needed for the exercise as well as the work at hand for the Commission to make public recruitments for government services. This is the reason there is a note of caution for candidates in Clause 6 of the advertisement itself that, “...*applicants must fulfill the essential requirements of the post and other conditions stipulated in the Advertisement on the Closing Date i.e. 14.08.2024. They are advised to satisfy themselves before applying that they possess at least the essential qualifications laid down for various posts*”. Therefore, the assessment of candidates’ eligibility after the interview will not amount to extending the closing date, nor is it without valid justification.

5. Additionally, this Court vide judgment dated 25.07.2023 rendered in *Monika and others v. State of Haryana and others* has upheld prescribing HTET certificate as an essential qualification for teaching posts. On this account also, the petitioner cannot be permitted to participate in the selection process without the certificate.

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6. In view thereof, no ground to entertain the instant petition is made out, and it is dismissed *in limine*.

12.08.2024

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(TRIBHUVAN DAHIYA)
JUDGE

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