



CWP-8152-2017 (O&M) 1

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

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CWP-8152-2017 (O&M)
Date of Decision : 17.05.2024

BHAVANA KAPILA

... PETITIONER

Versus

B.B.M.B AND ORS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Raghav Gulati, Advocate and
Mr. Varun Sharma, Advocate
for the petitioner.

Mr.Sachin Mittal, Advocate
for respondents No.1 to 3-BBMB.

Mr. B.S.Seemar, Advocate
for respondent No.4-CBSE.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of appointment of respondent No.5 on the post of TGT Hindi.

2. The petitioner along with other candidates applied for the post of TGT Hindi advertised by respondent. The respondent conducted written test which was followed by interview. In the merit list, the petitioner was at serial No.5. The petitioner was TET pass and no other candidate was possessing either CTET or TET, thus, as per petitioner, she was only candidate who was fulfilling eligibility criteria prescribed by



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advertisement/instructions issued by Central Board of Secondary Education. The respondent-DAV School selected respondent No.5, though, she was not TET qualified.

3. Mr.Raghav Gulati, Advocate submits that the petitioner was only candidate who was TET qualified, thus, respondent could not select any other candidate because CTET/TET qualified was mandatory qualification.

4. Per contra, Mr.Sachin Mittal, Advocate submits that management did not find the petitioner suitable for the post and at the first instance, respondent No.5 was found most suitable. After sometime, the respondent No.5 was also rejected. The petitioner cannot compel the management to select her.

5. I have heard the arguments of learned counsel for the parties and perused the record with their able assistance.

6. The petitioner participated in the selection process and she was not selected. If a candidate is wrongly selected, the Court can interfere and call upon the State to correct its mistake, however, Court cannot ask any authority to select any candidate on the ground that he is more meritorious. The selection of candidates falls within realm of recruitment Board. It is management and recruitment Board which know their requirement and nature of job. The Court cannot substitute opinion of recruitment board unless and until there is violation of statutory provisions or malafide on the part of Board.

7. In the case in hand, respondent No.5 was selected despite she



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was not TET qualified. As per advertisement and instructions issued by CBSE, the requisite qualification included CTET/TET qualified. The respondent No.5 was not TET pass, thus, her appointment could be questioned. The said candidate is no more in job as her selection has been cancelled. This Court, in such circumstances, cannot ask respondent to appoint the petitioner. She is free to participate in the selection process as and when the said post is advertised.

- 8. Disposed of.
- 9. Pending miscellaneous application, if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

17.05.2024
anju

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>