



CWP-22321-2017

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

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CWP-22321-2017

Date of Decision: 19.03.2025

Nanita Sharma and another

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Tejpal Singh Dhull, Advocate for the petitioners

Mr. Rohit Arya, Deputy Advocate General, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the third respondent/Haryana Staff Selection Commission to conduct the petitioners' interview, and include them in selection process for the post of PGT Fine Arts by granting exemption from qualifying Haryana Teacher Eligibility Test (HTET).

2. At the outset, learned counsel for the petitioners contends that he does not press the petition *qua* petitioner 1 since she has failed to qualify HTET within the prescribed time period. The petition, accordingly, stands dismissed as not pressed *qua* petitioner 1.

3. As per facts apparent on record, in brief, the Commission issued advertisement 5/2015 dated 05.07.2015, for various posts of Post Graduate Teachers (PGTs) in the Secondary Education Department; it included 715 posts of PGT Fine Arts, of which 360 were under unreserved/General category. The eligibility conditions common to all category of posts were the following:



- Eligibility:
 - a) Matric with Hindi/Sanskrit or 10+2/B.A./M.A. with Hindi as one of the subject.
 - b) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET) of respective subject for the post applied, conducted by Board of School Education Haryana, Bhiwani/One Time exemption of HTET (See Note-2)

Note- The candidates those who are having/passed HTET till the date of interview after advertisement will be allowed for interview on the basis of acquiring HTET (Test) till the date of interview.

- (c) Essential qualification (EQ) is given with each post.

[Note 2. A one time exemption of HTET/STET has been granted to the candidates who have worked for minimum 4 years till 11.04.2012 in privately managed Govt. Aided Schools, Recognized Schools and Govt. Schools. They will have to qualify HTET not later than 1st April 2018 otherwise their services will be terminated automatically.]

Besides, specifically for the post of PGT Fine Arts the following essential qualifications were also prescribed:

E.Q. M.A. Fine Arts with at least 50% marks and B.Ed. from recognized university.

The advertisement also stipulated that teaching experience of candidates must be countersigned by Director, Secondary Education, which is as under:

TEACHING EXPERIENCE:

Experience wherever applicable will be considered, only after acquiring the essential qualification along with details of salary of the concerned post and the experience must be countersigned by the Director, Secondary



Education of the concerned State even for CBSE/Central Schools & Navodaya Vidhalaya. Teaching experience must be for the post of PGT of the relevant subject.

3.1. Later, the Commission issued a corrigendum, dated 06.10.2015, which reads as under:

2. Rule 19-A of Haryana State Education School Cadre (Group B) services Rules 2012, is as under:

'19-A Transitional Provision- The person fulfilling the conditions enunciated under note (i) or (ii)(a) of Appendix B to these rules and possess the qualification under column 3 mentioned against the respective posts on the Haryana State Education Lecturer School Cadre (Group C) Service Rules 1998 shall also be eligible for recruitment as a one time measure:

Provided that such person shall have to qualify the Haryana Teacher Eligibility Test (HTET) and B.Ed. by 1st April, 2015* and if he fails to do so, his appointment shall stand terminated automatically without giving any further notice".

*1st April, 2018, vide notification dated 12th September, 2014.

3. The candidates who are eligible as per above provision against the Advertisement No.5/2015 for the posts of PGT Fine Arts and PGT Music may apply, as these posts are being advertised for 1st time after notification of rules.

The eligible candidates who could not apply earlier may apply now up to 12.10.2015.

Other terms and conditions of Advt. No. 5/2015 remain the same.

3.2. The petitioner participated in the selection process; interviews were conducted on 30.11.2018 and the final selection result was declared on 26.12.2018, Annexure P-14. He, however, could not be selected and approached this Court by filing the instant petition.

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4. In this factual background, learned counsel for the petitioner has contended that in terms of stipulations in the advertisement, the candidates were required to qualify HTET till the date of interview. And, in terms of the service Rules, the candidates having minimum four years' experience up to 11.04.2012 were required to qualify HTET up to 01.04.2018; the exemption to clear HTET was further extended up to 01.04.2022. The candidates eligible in terms of the Rules were also allowed to apply in response to the advertisement; since the petitioner qualified HTET-2021, and was issued the certificate, Annexure P-11, he was entitled to be considered eligible for the post in question on the basis of teaching experience. *Secondly*, learned counsel has referred to the averments in para thirteen of the petition, wherein allegations have been levelled against four candidates, namely, (i) Pooja Juneja (Roll no.21100567), (ii) Anamika Chorad (Roll no.21100367), (iii) Amit Singh (Roll no.21100458) and (iv) Amit Kumar (Roll No.21100131), that they have been selected without having the requisite qualification/experience/HTET certificate. *Thirdly*, he has referred to the averments in para fifteen of the petition alleging that a candidate for the post of PGT Music, Pooja Grover, has been selected though she qualified HTET after the date of interview.

5. Learned State counsel, on the contrary, contends that the petitioner is not entitled to be considered eligible and his candidature has been rightly rejected. The candidates were required to qualify HTET till the date of interview as stipulated in the advertisement. The interviews were held on 30.11.2018, and the petitioner admittedly had not qualified HTET by then. The final selection result was declared on 26.12.2018, and the selected candidates have already been appointed. At this stage, he cannot be



considered for appointment. It has further been contended that even the experience certificate, dated 01.04.2016, appended along with the petition, cannot be considered valid since it has not been countersigned by the Director in terms of the stipulation in the advertisement. Further, it has been contended that allegations regarding wrong selection of other candidates, referred to in para thirteen of the petition, have specifically been replied to in para ten of the written statement, which reads as under:

10. That another contention of the petitioners in para no.13 of the present writ petition is that some candidates have been selected for the post in question without having HTET and B.Ed. In this regard, it is submitted that details regarding the candidates is provided as under:-

Sr. No.	Name	Roll No.	Remarks
1.	Pooja Juneja	21100567	She was found eligible for the post in question on the ground of having working teaching experience for minimum 4 years and thereafter was selected in the result dated 26.12.2018.
2.	Anamika	21100367	Record of this candidate is not available with Commission as the same stands transferred to concerned department with recommended letter in pursuance of final result dated 26.12.2018. However, she was found eligible for the post in question.
3.	Amit Singh	21100458	He was found eligible for the post in question as he possessed HTET certificate dated 02.08.2017 and thereafter was selected in the result dated 26.12.2018.
4.	Amit Kumar	21100131	He was found eligible for the post in question as he possessed HTET Certificate dated 02.08.2017 and thereafter was selected in the result dated 26.12.2018.



Hence, it is clear that these candidates were rightly selected for the post in question and the contention of the petitioners are wrong and denied.

He fairly contends that no specific reply has been given with regard to allegations against another candidate, Pooja Grover, who competed for the post of PGT Music, since the petitioner was not an applicant for the same. Lastly, it is submitted that contents of the written statement have not been disputed by the petitioner, as no replication has been filed in the case.

6. Submissions made by learned counsel for the parties have been considered.

7. As per eligibility conditions mentioned in the advertisement, the candidates were required to possess HTET certificate up to the date of interview. The 2012 Rules gave relaxation to the employees, who had been appointed on the basis of four years teaching experience without qualifying HTET, to clear the test up to 01.04.2018 which was further extended to 01.04.2022. Keeping that in view, the terms of advertisement were also relaxed by issuing the corrigendum dated 06.10.2015 stipulating, "*candidates who are eligible as per above provision against the Advertisement No.5/2015 for the posts of PGT Fine Arts and PGT Music...may apply now up to 12.10.2015.*" Concededly, the petitioner did not qualify HTET up to 2021, whereas the interviews were conducted on 30.11.2018. Once the interviews are over, the exemption from HTET on the basis of experience cannot be claimed thereafter by alluding to provisions in the service Rules for exemption from clearing HTET, since the same is meant for in-service candidates who have been selected by getting exemption up to the date of interview, and not for the ones, like the petitioner, who could not be selected/appointed. The



exemption admissible in terms of the Rules cannot have the effect of amending the terms of advertisement which requires the candidates to qualify HTET up to the date of interview. *Secondly*, his claim for exemption from qualifying the test on the basis of experience certificate, dated 01.04.2016, cannot be considered for another reason, that his certificate is not countersigned by the Director as per stipulations in the advertisement. *Thirdly*, so far as allegations regarding selection of other candidates mentioned in para thirteen of the petition are concerned, these have been specifically denied by the respondents stating that three of them, Pooja Juneja, Amit Singh and Amit Kumar, had cleared HTET prior to the date of interview or had the requisite experience to claim exemption. Regarding Anamika, it has been submitted that she was found eligible for the post in question; these facts stand un rebutted. Although there is no denial to the averments concerning wrong selection of a candidate for the post of PGT Music, there is no occasion for this Court to go into the same as she is not a party to the petition; besides, the petitioner is not an applicant for the post. *Fourthly*, even if any illegality has been committed by the respondents in selecting a particular candidate, it will not entitle the petitioner to seek a writ of *mandamus* as no direction can be issued in derogation of law.

8. In view thereof, the petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

19.03.2025

Payal

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