



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

**CM-2471-LPA-2026
CM-2472-LPA-2026
CM-2473-LPA-2026 in/and
LPA-1773-2013 (O&M)
Date of Decision:23.04.2026**

DINESH KUMAR AND OTHERS

....APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Anil Kumar Sharma, Advocate
for the applicants-appellants.

Mr. Pankaj Middha, Addl., AG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-2471-LPA-2026 (delay in filing restoration application)

1. This application under Section 5 of the Limitation Act read with Section 151 CPC has been filed on behalf of the applicants-appellants seeking condonation of delay of 10 days in filing the restoration application.

2. For the reasons mentioned in the application, the same is **allowed** and delay of 10 days in filing the restoration application stands condoned.

CM-2472-LPA-2026 (restoration)

3. This application under Order XLI Rule 19 CPC has been filed on behalf of the applicants-appellants for recall of order dated 12.02.2026 and restoration of the main appeal which was dismissed by this Court on 12.02.2026 for non-prosecution *vide* following orders:-

“1. Despite the matter being called out repeatedly, none appears on behalf of the appellants to press the appeals.

2. It is relevant to note that this Court had passed the following order on 10.02.2026:-

"Though the matter is listed today for the purpose of service of notice on all the selected persons but considering the fact that recruitment is of the year 2008 and the writ petition was dismissed after contest, we are of the view that, as most of the private respondents are already represented, the appeal itself be taken up and heard finally on 11.02.2026, in ordinary list."

3. Again when the matter was taken up on 11.02.2026, the following of order was passed:-

"This appeal is of the year 2013.

When the matter was taken up yesterday, we passed the

following order:-

"Though the matter is listed today for the purpose of service of notice on all the selected persons but considering the fact that recruitment is of the year 2008 and the writ petition was dismissed after contest, we are of the view that, as most of the private respondents are already represented, the appeal itself be taken up and heard finally on 11.02.2026, in ordinary list."

Today, when the matter is called out repeatedly, no one appears on behalf of the appellants. Mr. Dinesh

Kumar -Appellant No.1 appears in person and states that tomorrow his counsel shall be available to argue the matter.

In that view of the matter, we direct these cases to be listed once again on 12.02.2026. It is made clear that no further request for adjournment would be entertained.

A copy of this order be placed on the files of connected cases."

4. *Today also none is present to press the appeals.*

5. *Considering the fact that the recruitment is of the order 2008 and large number of persons have not only been selected but are continuing for long, we are not inclined to keep the matter pending any further*

6. *The appeals are accordingly dismissed for non prosecution.*

7. *Pending application(s), if any, stand(s) disposed of."*

4. Reason for non-appearance on behalf of the applicant-appellant on 12.02.2026 has been satisfactorily explained.

5. The instant application is accordingly **allowed**. Order dated 12.02.2026 passed by this Court is hereby recalled. The main appeal is restored to its original number and position. With the consent of the parties, main appeal is taken on Board for hearing today itself.

CM-2473-LPA-2026 (placing on record)

6. This application under Section 151 CPC has been filed on behalf of the applicants-petitioners seeking placing on record replication to the reply dated 16.02.2017 and status report dated 05.10.2021.

7. For the reasons mentioned in the application, the same is **allowed**. Replication to the reply dated 16.02.2017 and status report dated

05.10.2021 are taken on record, subject to all just exceptions. Registry is directed to do the needful.

Main Case (O&M)

8. This appeal arises out of the judgment of the learned Single Judge refusing to accept the appellants' challenge to the selection made to the posts of Head Masters/Mistresses pursuant to the advertisement issued for such selection.

9. It transpires that the Haryana Staff Selection Commission (for short, '**HSSC**') published a notification on 07.12.2006 inviting applications for appointment to various posts. The posts advertised included 266 posts of Headmasters/Mistresses, for which the qualification was post-graduation with B.T./B.Ed. or its equivalent. In the case of Head Masters, eight years' teaching experience as Master was required, out of which two years' experience in an administrative capacity as head of a high school was essential. In the case of Lecturers, eight years' teaching experience as Master/Lecturer was required, out of which at least two years' experience as Lecturer in Government-recognized senior secondary/high/middle schools was necessary. The advertisement initially issued was modified vide Annexure P-3, whereby the experience requirement was substituted as eight years' teaching experience as Master in Government-recognized Senior Secondary/High/Middle Schools/Teachers' Training Institutions, relaxable to four years for Emergency Commissioned Officers, provided that the total teaching experience and service in the Army amounted to eight years. The

selection proceedings commenced pursuant to the advertisement, and, undisputedly, the select list was published on 06.11.2007. It further transpires that various writ petitions were filed challenging the selection of Head Masters/Mistresses, primarily on the ground that the select list included the names of candidates who lacked the essential qualification of eight years' experience as prescribed in the advertisement.

10. Learned Single Judge has taken note of all such contentions and the previous judgment of this Court in **CWP No.19298 of 2010** titled '**Pratima Sethi Vs. State of Haryana through District Education Officer, Ambala and others**', decided on 12.01.2012. The contention with regard to lack of experience was rejected by the learned Single Judge relying upon the previous Division Bench judgment of this Court in **LPA No.725 of 2009** titled '**State of Haryana and another Vs. Ravinder Sharma**', decided on 09.11.2009.

11. The judgment in **Pratima Sethi** (supra) has been quoted by learned Single Judge which reads as under:-

“2. In CWP No.19298 of 2010, the principal ground of challenge is that the selected candidate did not have the necessary qualification for being considered for the post since the candidate had not worked as a Master but was only as Hindi teacher. This objection itself need not hold us for long, for, the question of whether a Language teacher, who is a Sanskrit teacher or a Hindi teacher would be included within the expression of “Master” came to be considered in a case before this Court in State of Haryana and another Versus Rajinder Sharma and another in LPA No.726 of 2009, decided on 09.11.2009, when the State was trying to assail

the decision taken by a single Judge of this Court that 8 years experience as a Master could not be stated to include the experience as a Sanskrit teacher/Hindi teacher, who had a qualification as a Language teacher as Shashtri/Prabhakar/Giani. The Division Bench held that 8 years experience as a Master teaching different subjects like, Social Studies, Science, Maths, etc. cannot be treated differently from persons, who taught Hindi, Punjabi and Sanskrit and found that Sanskrit teacher and other teachers were in the same pay scale and had the same qualification. The promotion avenue was also common to the higher post. I reject the argument that a Language teacher cannot be treated as a Master and hold the contention to be wholly untenable. The Division Bench went as far as to impose a cost of Rs.25,000/- against the State that opposed an interpretation that the Master with 8 years experience would include a Language teacher with as many as years of experience. I would not, therefore, find the educational qualification as lacking for the selected candidate.”

12. The writ petition filed by the appellants, therefore, came to be rejected by the learned Single Judge on 03.11.2012.

13. It is undisputed that the selected candidates were appointed on 06.11.2007 and have been working for nearly 20 years. It is at this stage that the appeal is taken up for hearing.

14. This Court on 23.09.2016 passed following orders:-

“Learned counsel for the appellants submitted that 266 posts of Headmasters and Headmistress were advertised. The requisite qualification for the post was 08 years teaching experience as Headmaster in Government recognised Sr. Secondary/High/Middle Schools/Teachers Training

Institution, relaxable to four years for the Emergency Commissioned Officer but the total teaching experience and service in the Army should be eight years. The selections were challenged by filing CWP No.66 of 2008. The selected candidates could not be impleaded as parties as the list was not supplied. It was during the pendency of the aforesaid writ petition that the list of selected candidates was supplied. The writ petition was disposed of by giving liberty to the petitioners to file fresh petition challenging the selections after impleading the selected candidates. Thereafter, the writ petition was filed, which was dismissed. The order has been impugned in the present intra court appeal.

Learned counsel for the appellants submitted that in the writ petition in para No.20 list of 11 candidates was given, who were not qualified to be appointed as they were lacking teaching experience. One of them was terminated by the department itself finding that the experience certificate produced by him was forged. Regarding other candidates, there was no specific reply. He further referred to list of 14 candidates whose teaching experience is less than 08 years as per the certificates furnished by them along with the application. He further referred to details of 4 candidates whose experience was in college cadre and not in the school cadre as required in the advertisement. All these candidates were not eligible to be appointed, but were still appointed.

*Learned counsel for the appellants fairly submitted that the issue regarding eligibility of the candidates, who were working as Hindi Teachers, does not survive any more in view of the dismissal of **Special Leave to Appeal (C) No.17478 of 2008** titled as **State of Haryana & ors. Vs. Ashok Kumar & ors.** on 09.08.2016 by Hon'ble the Supreme Court.*

Learned counsel for respondents No.1 to 3 seeks time to ascertain the facts alleged by the appellants.

Adjourned to 05.12.2016.”

15. The respondents constituted a Committee, presided over by the Deputy Director of the Department, on 09.02.2017, consisting of three members to verify the certificates of 29 selected candidates to whom appointments were issued in different streams on the basis of experience certificates alleged to be deficient by the appellants. This Committee submitted its report, as per which one of the selected candidates, namely, Dharmender Indora, at merit No. 240 has been terminated due to the submission of a false certificate. With regard to the other candidates, the Committee examined the issue and approved the appointments of all those selected candidates after specifically referring to their experience certificates. It has been found that all these persons, in fact, had more than eight years of experience working in educational institutions. The report has been placed on record by the Director, Secondary Education, Haryana, *vide* his affidavit dated 16.02.2017. From such affidavit, it is apparent that the adjudication with regard to the selection of persons without adequate experience has not been found to be correct.

16. Learned counsel for the appellants, with reference to the documents annexed, submits that the teaching experience relied upon by many of the candidates was obtained from private institutions, which was not in accordance with the conditions stipulated in the advertisement itself. It is further submitted that subsequently, the respondents altered the

policy and permitted teaching experience from other institutions also to be considered as a criterion, which was impermissible, as any such change after the rules of the game had commenced would amount to arbitrary action on the part of the respondents. Reliance is placed upon ***Tej Prakash Pathak vs. Rajasthan High Court, 2024 INSC 847.***

17. Learned State counsel, on the other hand, opposes the prayer made in the instant appeal.

18. Having gone through the material on record, we find that the selection of the private respondents was made on 06.11.2012. A writ petition was earlier filed by the petitioners without impleading the selected persons. That writ petition, of the year 2008, was dismissed as withdrawn on 11.09.2009 with liberty to file afresh after impleading the selected persons. It is thereafter that the writ petition was filed in the year 2010.

19. By the time the writ petition was filed, all the selected persons had already worked for a period of nearly 2-3 years. The learned Single Judge relied upon the earlier judgment of this Court and non-suited the appellants. The fact that all the selected candidates have been working for nearly 20 years is not in dispute. It is also not in issue that all the selected persons possess the requisite qualifications for appointment to the said posts. The only issue raised is with regard to their experience not being in accordance with the terms of the advertisement.

20. Considering the long lapse of time and the duration of satisfactory service of the contesting respondents of nearly two decades,

we are not inclined to embark upon a factual inquiry with regard to the legality of the experience certificates, as we feel that after such a long lapse of time, it would not be prudent to interfere with the selections already made. We are also of the view that if there was any shortcoming in experience, the same must have been made good on account of their continuous service over the last nearly 20 years.

21. In view of the above, we refuse to dwell further on the contentions advanced on behalf of the appellants, consequently, the instant appeal fails and is accordingly *dismissed*.

22. All pending misc. application(s), if any, also stand disposed of.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

APRIL 23, 2026
Rahul Joshi

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| 1. Whether Speaking/reasoned | Yes/No |
| 2. Whether Reportable | Yes/No |