

(2013) 07 P&H CK 0557
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 16137 of 2013

Anita Kumari

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 29-07-2013

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2013) 07 P&H CK 0557

Hon'ble Judges : Rajiv Narain Raina, J

Bench : Single Bench

Advocate : Sat Narain Yadav, for the Appellant;

Final Decision : Dismissed

Judgement

Rajiv Narain Raina, J.—The petitioner had applied for the post of Primary Teacher in pursuance to advertisement dated 08.11.2012 (Annexure P-1) issued by the Haryana School Teachers Selection Board. It has been asserted that the petitioner possessed the essential qualifications prescribed for the post and also possessed four years teaching experience as Primary Teacher as on the date of advertisement i.e. 08.11.2012. The present writ petition has been filed raising a grievance that even though the petitioner was fully eligible yet the respondent-Board has not accepted her candidature on the ground that she does not possess four years teaching experience as Primary Teacher on 11.04.2012 in terms of Note 3 of the advertisement.

Learned counsel appearing for the petitioner has not disputed that the essential qualifications stipulated for the post of Primary Teacher was two years diploma in elementary education and 4 years teaching experience. It has further been admitted that the petitioner qualified such diploma in elementary education and also acquired 4 years teaching experience as Primary Teacher only after 11.04.2012. The relevant stipulation as regards one time exemption being granted to candidates as regards qualifying HTET/STET Examination is contained in note-3 of the advertisement which reads in the following terms:-

A one time exemption of HTET/STET for teachers who till 11.04.2012 have worked for minimum 4 years in privately managed Govt. Aided Schools, Recognized Schools and Govt. Schools. Number of years is cumulative, candidate must be in service as PRT on 11.4.2012 and in position on the date of applying. The teaching experience must be as Primary Teacher after acquiring essential qualification and supported by salary slip. They will have to qualify HTET not later than 1st, April 2015 otherwise their services will be terminated automatically.

2. Learned counsel for the petitioner would argue that even though there is a clear stipulation in the first paragraph of the advertisement that the qualification/eligibility conditions, age and certificates will be determined with regard to last date fixed for receipt of applications also called as closing date i.e. 8.12.2012 given in the advertisement yet the candidature of the petitioner has been rejected in terms of Note 3 on the ground that she does not possess the experience as on 11.04.2012. Learned counsel submits that Note 3 of the advertisement is illegal, arbitrary and unconstitutional being violative of Article 14 of the Constitution as there could not be two different cut-off dates for acquiring qualifications and experience.

3. Having heard learned counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the present writ petition merits dismissal.

4. The initial advertisement was issued on 8.11.2012 for recruitment to the post of PRT. The essential qualifications had been prescribed. The closing date for submission of application forms had also been stipulated i.e. 8.12.2012. The eligibility of the petitioner, as such, for the post of PRT would have to be determined in the light of Note 3 of the advertisement making eligible all candidates who possess four years experience till 11.04.2012 and also eligible on 8.12.2012, closing date stipulated in the original advertisement. The petitioner, admittedly, did not possess the requisite qualification of 4 years experience on 11.04.2012 as per his own case as she has worked in Seth Ramji Lal Public School, Donkhera, District Mohindergarh with effect from 01.09.2008 till date. Therefore, she acquired about 3 years and 7 months experience on the cut off date i.e. 11.04.2012. The prayer raised in the instant writ petition for consideration of the candidature of the petitioner for the post of PRT in pursuance to the advertisement dated 8.11.2012 (P-1) as such, is without any merit. Writ petition is, accordingly, dismissed.