
(2014) 05 P&H CK 0083
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No.15039 of 2013

Kapil Dev Jangra

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 20-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0083

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Kuldeep Tiwari for Mr. Raje Ram Kaushik, Advocate for the Appellant; Harish Rathee, Sr. DAG, Haryana for the State, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Augustine George Masih, J.—Petitioner has approached this Court praying for issuance of a writ of certiorari for quashing the impugned order dated 16.11.2012 (Annexure P-10), whereby his candidature has been rejected on the plea that the petitioner was not in service on 11.04.2012, which fact is incorrect.

2. In the reply which has been filed by the respondents, the assertion of the petitioner has been found to be correct. However, the objection now taken in the written statement is that the petitioner does not possess the requisite four years experience as on 11.04.2012, which would entitle her to exemption from passing the HTET. It has been stated that the petitioner has an experience of 3 years, 11 months and 23 days, whereas the requisite experience should be four years as on 11.04.2012.

3. Counsel for the petitioner has referred to the experience certificate dated 16.07.2012 (Annexure P-5) issued by the Principal, Seth Badri Prasad D.A.V. Centenary Public School, Fatehabad which has been duly countersigned by the Director, Secondary Education, Haryana on 30.07.2012. He contends that 42 days period which the petitioner had regularly taught in the school has been counted for the purpose of experience, whereas 8 days experience from

16.05.2007 to 23.05.2007, when the petitioner had taken extra classes for Classes XI and XII, has not been counted by the respondents, which, the counsel states is not sustainable. He, therefore, contends that if these 8 days are counted towards the experience of the petitioner, he would complete four years experience as required by the respondents entitling him to be eligible for consideration for appointment to the post of Post Graduate Teacher (Physics).

4. This contention of the counsel for the petitioner cannot be accepted as the experience certificate itself indicates that it was not regular teaching period and the petitioner had only taken extra classes from 16.05.2007 to 23.05.2007, which period cannot be taken into consideration as an experience for the purpose of calculating four years which a candidate was required to have on 11.04.2012.

5. A further argument has been raised by the counsel for the petitioner that a corrigendum dated 03.07.2012 stands issued by the Haryana School Teachers Selection Board, according to which the validity date for all degree/diploma/certificate/age relaxation and four years experience is the closing date of advertisement, i.e., 15.07.2012. Any certificate after this date will not be valid. This clause, as has been mentioned in the corrigendum, only relates to the date of certificates issued prior to or on 15.07.2012, the closing date of advertisement, but does not extend the period of experience to be counted for the purpose of eligibility i.e. 11.04.2012. Clause 3 of the said corrigendum explicitly lays down the same conditions as clause C (i) which would determine and clearly project that the experience would be counted upto 11.04.2012 only and not beyond thereto. This is also relatable to the amendment as has been brought out in the statutory rules which also prescribe the said date to be the date when the notification was issued by the Government of Haryana for coming into force the statutory rules governing the service. The writ petition, therefore, cannot be allowed and the assertion of the counsel for the petitioner stands rejected.

6. The writ petition, therefore, stands dismissed.