
(2013) 07 P&H CK 0167
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 15181 of 2013

Mohammad Intzar and Others	Vs	APPELLANT
State of Haryana and Another		RESPONDENT

Date of Decision : 18-07-2013

Acts Referred:

Citation : (2014) 1 SCT 129

Hon'ble Judges : Rajiv Narain Raina, J

Bench : Single Bench

Advocate : Jagbir Mor, for the Appellant;

Final Decision : Dismissed

Judgement

Rajiv Narain Raina, J.—The petitioners were contestants under an advertisement inviting applications online to fill 8763 posts of Primary Teachers in Group C in the Education Department, Haryana. The last date of receipt of applications in the Haryana School Teachers Selection Board was 08.12.2012. The closing date of deposit of fee was 12.12.2012. An experience in teaching of four years was required in case the candidate had not passed the STET/HTET. The cumulative experience of four years was required to be demonstrated as on 11.04.2012, the date when the Haryana State Education Lecturer School Cadre (Group-C) Service Rules, 1988 were amended. A corrigendum dated 03.07.2012 (P-22) was issued in the press amending Advertisement No. 1/2012 dated 06.06.2012 with respect to Post Graduate Teachers in Haryana Education Service Class-II exempting candidates for the post to the effect that four years experience till 11.04.2012 in privately managed Government aided Schools, Recognized Schools and Government Schools and should be in service on 11.04.2012 and come under the exemption clause of not requiring HTET/STET qualifying test and B.Ed. as a one time measure. The corrigendum is restricted in its operation to Post Graduate Teachers and not Primary Teachers like the petitioners. If an exception has been made by the Government in its wisdom in favour of Post Graduate Teachers it does not ipso facto mean that such relaxation is to be accorded to Primary

Teachers as well. In a case where relaxation is not given to Primary Teachers they cannot contend in Court that there is discrimination between the two. So long as the Government operates the equality principle within the range of selection, the petitioners cannot complain. The demands of selection test for Primary Teachers whose seniority is in the District-wise cadre the demands of selection of Post Graduate Teachers in different subjects in State Cadre may be different. The petitioners can have no advantage of Clause 8 of the corrigendum issued for a different recruitment process under different advertisement, the reliance on which is the opening gambit of the arguments of the learned counsel for the petitioners. Clause 8 reads as follows:-

8. Validity date for all degree/diploma/certificate/age/relaxation and four years experience is closing date of advertisement i.e. 15.7.2012. Any certificate after this date will not be valid

In the circumstances, I do not find any merit in the contention of the learned counsel that there was anything wrong in the rejection of the candidature of the petitioners who did not have the requisite experience on the closing date. Mere issuance of an admit card does not settle any rights on the petitioners to compete. The candidature can be cancelled on verification of facts. The petitioners did not have the requisite teaching experience on 11.04.2012. Cut off dates for advertisements inviting applications for direct recruitment suffers strict and rigid interpretation being sacrosanct.

2. It may be remembered that the corrigendum issued on 03.07.2012 was published as a result of directions of this Court in the case of Post Graduate Teachers, Class-II or Group-B Service. The relaxation accorded to Post Graduate Teachers cannot be superimposed on Advertisement No. 2/2012 under which the petitioners applied for Group C posts. Their applications were belated. Neither compassion nor equity saves such cases. Therefore, there is no merit in this petition which stands dismissed.