
(2000) 07 P&H CK 0008
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 8329 of 2000

Ms. Archna

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 07-07-2000

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2000) 07 P&H CK 0008

Hon'ble Judges : V.S. Aggarwal, J; R.C. Kathuria, J

Bench : Division Bench

Advocate : Mr. Namit Sharma, for the Appellant;

Judgement

R.C. Kathuria, J.—In this petition filed under Articles 226/227 of the Constitution, the petitioners seek issuance of a writ in the nature of mandamus directing the respondents to consider their representations (Annexures P-2 and P-3) and further directing them to interview the petitioners and consider then claim for appointments on the post of Hindi teacher in pursuance of the advertisements issued on 14.11.1999 and 16.11.1999.

2. In terms of the advertisement No. 2/99 (EDU) dated 14.11.1999 (Annexure P-1), applications were invited for 860 posts of C & V Teachers by the Director of Secondary Education, Haryana (respondent No. 2). It was mentioned therein (advertisement) that the determination of age and eligibility will be made as on 6.12.1999 for all the posts. Candidates who had passed Hindi upto Matric standard were eligible to apply for the posts.

3. According to the case of the petitioners, they had taken admission on 13.9.1999 for O.T. Diploma Course in Hindi. After the completion of training, they were eligible on 30.9.1999 to take the examination. They had also completed 220 days and 1000 study hours before taking the examination for obtaining Diploma Course in Hindi language. The examination of the petitioners got delayed for a period of two months with the result that their result could not be

declared in time. Rather, it was declared in the month of February, 2000.

4. For the reasons stated above, the petitioners could not submit applications, complete in all respects, for the said posts, which were required to be submitted upto 3.12.1999.

5. The petitioners, along with other affected persons, submitted representations dated 1.12.1999 (Annexure P-2) and dated 9.4.2000 (Annexure P-3) explaining their inability to submit their requisite applications for the posts advertised vide advertisement (Annexure P-1) due to inaction of the Education Department and consequential delay in the declaration of their result. No action was taken by the authorities on the said representations (Annexure P-1 and P-2). Hence, the present petition was filed.

6. After hearing the learned counsel for the petitioners and going through the records of the case, we do not find any merit in the writ petition. The cut-off date for determining the eligibility of the petitioners with reference to the advertisement (Annexure P-1) cannot be given a go-bye. If the petitioners were not educationally qualified on the date fixed in the advertisement, they could not be considered for the posts advertised. Moreover, if the prayer of the petitioners is allowed, that would tantamount to extend the cut-off date by which eligibility of the candidates was to be determined. That would, manifestly, be impermissible and illegal.

7. The matter can be looked into from another angle. Admittedly, the petitioners, as per cut off date, had not acquired the necessary qualifications so as to render them eligible to submit their applications in terms of the advertisement (Annexure P-1) and, rather, they were in the process of acquiring the eligibility. At this stage, if their claim for consideration for the said posts is allowed, it would be opening a pandora box because the process of scrutiny and elimination of the candidates would be required to be undertaken all over again which would unsettle the selections already made.

Consequently, this writ petition is hereby dismissed in limine being devoid of any merit.

8. Petition dismissed.