

(2014) 03 P&H CK 0154
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 3941 of 2014

Suman Lata Yadav

APPELLANT

Vs

Haryana School Teachers Selection Board and Others

RESPONDENT

Date of Decision : 03-03-2014

Acts Referred:

Citation : (2014) LabIC 2946

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Arun Yadav, for the Appellant;

Final Decision : Dismissed

Judgement

Augustine George Masih, J.—Petitioner, through the present writ petition, has approached this Court for quashing the order of rejection dated 11.02.2014 (Annexure P-4), vide which she was not allowed to participate in the provisional interview for the post of Primary Teacher (Group C) Service Elementary Education Department, Haryana in pursuance to advertisement No. 2/2012, Category No. 1 on the ground of "D.Ed. after cut off date". Petitioner has also prayed for issuance of a writ of mandamus directing the respondent Nos. 1 and 2 to allow her to participate in the interview process for the said post. This prayer of the petitioner cannot be accepted in the light of the order passed by this Court in Civil Writ Petition No. 1696 of 2014 (Rekha Rani & others Versus State of Haryana & others), decided on 30.01.2014, wherein it has been held as follows:-

Petitioners have approached this Court praying for quashing of the action of the Haryana School Teachers Selection Board-respondent No. 3, vide which the candidature of the petitioners has been rejected on the ground that they did not possess the requisite qualification of Diploma in Education (D.Ed.) on the cut off date, i.e., 08.12.2012 and have obtained the same in January, 2013.

It is the contention of the counsel for the petitioners that vide notice dated 08.03.2013 (Annexure P-4), respondent-Board has extended the time for

submission of the applications. In pursuance to this, the eligibility conditions have also to be taken on the last date of receipt of the applications and since the last date for receipt of the applications has been extended, therefore, the candidates who had attained the eligibility till the last date of submission of such applications in pursuance to the notice dated 08.03.2013, would also become eligible for consideration for appointment against the posts advertised vide Advertisement No. 2/2012. Since the petitioners had obtained their requisite qualification of D.Ed. in January, 2013 which is prior to 23.03.2013, they should have been treated eligible by the respondents. He, on this basis, contends that the petitioners are eligible for consideration for appointment because of the extension of the last date of receipt of the applications and, therefore, the action of the respondents in rejecting the candidature of the petitioners cannot sustain. He has placed reliance upon the Division Bench judgment of this Court in Navneet Kaur Vs. State of Punjab and Others, , wherein it was held that if the last date of submission of the applications is extended, the eligibility conditions would also be taken on the said date and not the prior date, which was fixed in the initial advertisement. His further submission is that since the last date for submission of the applications has been extended for candidates who had passed their HTET in 2013 as also for the candidates who had attained four years experience but were not in service on 11.04.2012, which condition has been quashed by this Court, the same benefit should be granted to the petitioners. On this basis, prayer has been made for allowing the present writ petition by setting-aside the action of respondent No. 3 in rejecting the candidature of the petitioners.

I have considered the submissions made by the counsel for the petitioners and with his assistance have gone through the records of the case.

A perusal of the notice dated 08.03.2013 (Annexure P-4), which primarily is the document on which petitioners rely on, itself speaks about the eligibility condition. The heading of the same reads as under:-

NOTICE

(Reference to Adv. 2/2012 for the post of PRTs) only for candidate having four years teaching experience as on 11.4.2012 and eligible on 8.12.2012.

Pursuant to the order of the Hon"ble Punjab and Haryana High Court dated 21.12.2012 in CWP No. 15929 of 2012-Shivani Gupta and ors Vs. State of Haryana and ors and other connected LPAs/CWPs wherein the Hon"ble High Court has held that the condition mentioned in note 3 of the advertisement 2/2012 is contrary to the Service Rules upto the extent that "candidate must be in service as PRT on 11.4.2012 and in position on the date of applying.

2. Para 2 of this very notice further reads as follows:-

However, the other eligibility conditions regarding age, academic qualification, District cadre, choice of district from 01 to 06 ec for the post will remain

unchanged and the cut off date for determining the eligibility of the candidates who will apply in response to this notice will be treated as on 8.12.2012 as prescribed in advertisement no. 2/2012 dated 8.11.2012.

A perusal of the above would show that there is extension as regards the eligibility condition for a candidate to be considered for appointment in pursuance to Advertisement No. 2/2012. Limited extension has been granted to those candidates who were eligible on 08.12.2012, but could not apply for the reason that they were not in service on 11.04.2012.

Counsel for the petitioners has referred to the initial advertisement dated 08.11.2012 (Annexure P-3), Note 13 thereof, wherein it is mentioned that the candidates, who apply for a post, must ensure that they fulfill all the eligibility conditions on the last date fixed for submission of online application forms, i.e., 08.12.2012 the closing date given in the advertisement. Contention of the counsel for the petitioners is that since the last date of receipt of online applications has been extended, the eligibility condition would also extend till that date. This contention of the counsel for the petitioner cannot be accepted in the light of the qualifiers appended in the notice dated 08.03.2013, referred to above.

From a perusal of the judgment in Navneet Kaur's case (supra), it is apparent that in the initial advertisement, which was issued, Clause 10 of the advertisement stated that the candidate should possess prescribed educational qualification and professional qualification for the post applied for on or before the last date of receipt of application. Similarly, in the corrigendum, which was issued vide which the last date fixed for receipt of applications was extended, Clause 10 which determined the educational qualification and professional qualification remained the same and it is under these circumstances that the Court was pleased to observe that it would amount to extending the date of eligibility also, which unfortunately in the present case is not done as there is a qualifier attached, as has been reproduced above, which states that the candidate should have been eligible regarding the age, academic qualification etc. as on 08.12.2012 along with the experience. Thus, the contention of the counsel for the petitioners with regard to the extension of the last date of receipt of the applications, which would entail ipso-facto extension of the eligibility condition, also cannot be accepted. As regards the contention of the counsel for the petitioners for having extended the date qua the HTET candidates, who had passed the same in 2013, this Court had an opportunity to deal with the same in Civil Writ Petition No. 839 of 2014 (Ms. Monika Versus State of Haryana & others), decided on 20.01.2014.

In view of the above, there is no merit in the present writ petition and the same stands dismissed.