

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.238

CWP-16496-2017

Date of decision : 08.05.2018

Kuldeep Singh and others

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

2

CWP-10831-2017

Vinod Kumar and others

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

3

CWP-10835-2017

Satish and another

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

4

CWP-12670-2017

Kuldeep

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

5

CWP-16188-2017

Rajni Devi and others

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

6

CWP-18048-2017

Raj Kumar

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

7

CWP-9323-2018

Sukhvinder Singh

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Jagbir Malik, Advocate, for the petitioners,
in CWP-16496-2017.

Mr. Jasbir Mor, Advocate, for the petitioners,
in CWP-10831-2017 and CWP-16188-2017.

Mr. Raje Ram Kaushik, Advocate, for the petitioners,
in CWP-10835-2017 and CWP-18048-2017.

Mr. Kamal Mor, Advocate, for the petitioner,
in CWP-12670-2017.

Mr. Wazir Singh, Advocate, for the petitioner
in CWP-9323-2018.

Mr. Hitesh Pandit, AAG, Haryana.

Mr. K.K. Gupta, Advocate and
Mr. Vaibhav Gupta, Advocate,
for respondent No.3-Board of School Education, Haryana.

SUDHIR MITTAL, J. (Oral)

This judgment shall dispose of above-cited petitions as common questions of law are involved therein.

The petitioners are physically handicapped and Scheduled Caste candidates. They appeared in the Haryana Teachers Eligibility Test held on 05/06-11-2011. The result of the test was declared on 01.12.2011 and the petitioners were declared not qualified for the reason that they had failed to secure minimum marks prescribed. This result was challenged by the petitioners vide CWP-17410-2012, on the ground that being physically handicapped and Scheduled Caste candidates, they were entitled to 5% relaxation and the said relaxation had not been granted to them. Vide judgment dated 08.01.2013, this Court allowed the writ petition and directed the respondents therein to grant them relaxation and re-do the result already

declared. Revised result was declared on 31.01.2017 and pursuant thereto, certificate of even date was issued to the petitioners, but the validity thereof was mentioned as upto 01.12.2016.

Learned counsel for the petitioners submit that the period of validity of the certificate has to be from the date of its issuance. The respondents were duty bound to have declared the result in accordance with law. They did not do so and therefore, this Court issued directions to revise the result. The result was revised on 31.01.2017 and keeping in view the stipulation provided in notification dated 15.07.2011 (Annexure P-3) regarding the conduct of Haryana Teachers Eligibility Test, the period of validity has to be five years from the date of issuance of the certificate.

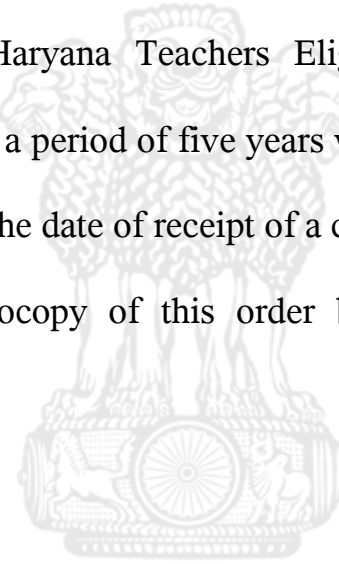
Learned counsel for respondent No.3 contests the issues raised by the learned counsel for the petitioners. He states that the result was revised pursuant to instructions dated 26.05.2016 issued by the Director, Elementary Education, Haryana. Respondent No.3 sought a clarification vide letter dated 12.07.2016, whether the instructions were to apply retrospectively or prospectively and the response of the official was that the said instructions were only clarificatory in nature and there was no question of applying them retrospectively or prospectively. The argument is that the revised result would date back to the date on which the original result was declared i.e. 01.09.2011 and the validity period of the certificate issued would thus, be counted from the said date only.

It is not in dispute that Haryana Teachers Eligibility Test's result was revised on 31.01.2017. The logic for the said result to date back to 01.09.2011 is not clear to me. The petitioners were entitled to relaxation

of 5% marks on account of their disability/caste, but the same was not granted to them. After the writ petition was allowed, the result was re-cast on 31.01.2017. Any certificate issued pursuant to re-casting/re-issuance of the earlier result, has to be valid from the date of its issuance and not from the date of the original declaration of result as otherwise the benefit granted to the petitioners would be of no use. A benefit cannot be granted and withdrawn in the same breath.

Accordingly, the petitions are allowed. Respondent No.3 is directed to issue Haryana Teachers Eligibility Test certificates to the petitioners, valid for a period of five years w.e.f. 31.01.2017, within a period of four weeks from the date of receipt of a certified copy of this order.

A photocopy of this order be placed in the files of other connected cases.



(SUDHIR MITTAL)
JUDGE

08.05.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No