

**IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**

CWP No.19259 of 2012
Date of Decision:09.09.2013

Shalini ...Petitioner
Versus

State of Haryana and others ... Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jagbir Malik, Advocate for the petitioner.

Ms. Kirti Singh, D.A.G. Haryana.

1. *To be referred to the reporters or not?*
2. *Whether the judgment should be reported in the digest?*

RAJIV NARAIN RAINA, J.(Oral)

Written statement filed on behalf of respondent No.3 is taken on record. Copy thereof has been supplied to the learned counsel for the petitioner. He has gone through the same so has this Court.

In para-8 of the written statement, it has been stated that though the closing date of submission of online application was 15.7.2012 to determine the eligibility of the candidates but a sympathetic view has been taken by the respondents with regard to producing experience certificate duly issued by the competent authority and the cut-off date for the purposes of experience certificate was fixed as 16.8.2012. Meaning thereby four years teaching experience till 11.4.2012 was extended and had to be certified after obtaining counter signatures of the Director Secondary Education upto 16.8.2012 and if any candidate does not possess requisite experience certificate as required by advertisement 1/2012 as extended upto 16.8.2012 then it is deemed that such candidate is not qualified for the post and as such is rendered ineligible. After having taking this decision sympathetically, the respondent-State in the same paragraph insists that since the petitioner has failed to produce duly counter signed experience certificate at the time of verification/scrutiny of documents-cum-interview, it was incumbent upon

For Subsequent orders see LPA-83-2014, COCP-339-2014, -- and 1 more.

the petitioner to get the experience certificate countersigned before the cut-off date from the authority concerned. Hence, the candidature of the petitioner has been rightly rejected by the scrutiny committee for this strange reason which is rather absurd. Once the cut-off date has been extended to 16.8.2012, it would remain beyond comprehension that the State can well insist that a document which was permitted to be cured upto 16.8.2012 would still have to relate back to the date of interview. The State does not dispute that the matter is otherwise covered by the decision of this Court in *CWP No. 15929 of 2012 titled 'Shivani Gupta and others Vs. State of Haryana and others* decided on 21.12.2012 with respect to issue of remaining in service on the date of submission of application that the experience gained was prior to 11.4.2012 which was to be certified in later point of time. The experience certificate of the petitioner was countersigned on 16.8.2012, therefore, he was eligible.

The stand of the respondent-State in this case borders on the burlesque and has unnecessarily forced the petitioner to approach this Court for redressal of his grievance. This writ petition is allowed. The order dated 29.11.2012 (P-7) would stand quashed. The result is directed to be declared. In case the name of the petitioner finds mention in the merit list then she should be offered appointment if all other conditions are met.

Since, it is submitted that the constitution of School Teacher Selection Board is itself under challenge before the Division Bench of this Court, the declaration of result in this case would remain subject to the aforesaid matter.

The writ petition is allowed with costs quantified at Rs.20,000/- towards litigation expenses. Let costs be paid to the petitioner within a period of two months from the date of receipt of a certified copy of this order.

09.09.2013
rajeev

(RAJIV NARAIN RAINA)
JUDGE

For Subsequent orders see LPA-83-2014, COCP-339-2014, -- and 1 more.