

**CWP-5349-2023****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****254****CWP-5349-2023****Date of Decision: 25.03.2025****Harbhajan Kumar****...Petitioner(s)****Versus****State of Haryana and others****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present:- Mr. Sunil K. Nehra, Advocate with  
Mr. Viren Nehra, Advocate,  
Mr. Rahil Mahajan, Advocate, and  
Mr. Arjun Dosanj, Advocate for the petitioner

Mr. Parveen Mehta, DAG, Haryana

**TRIBHUVAN DAHIYA, J. (Oral)**

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 02.02.2023, Annexure P-10, whereby petitioner's claim for appointment to the post of Trained Graduate Teacher (TGT) Science under SC category in response to advertisement 3/2015, has been rejected. Further, writ of *mandamus* has been sought directing the third respondent/Haryana Staff Selection Commission to recommend the petitioner's name for appointment by considering him eligible on the basis of Haryana Teacher Eligibility Test (HTET) in Mathematics.

2. Facts of the case in brief are, the Commission advertised posts of TGTs in different subjects, including 895 posts of TGT Science, out of which 755 were for Scheduled Caste (SC) category candidates. Qualifications for the posts were the following:



**QUALIFICATIONS COMMON TO ALL POSTS**

▪ Eligibility:-

- a) Matric with Hindi/Sanskrit or 10+2/B.A./M.A. with Hindi as one of the subject.
- b) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET) of respective subject for the post applied, conducted by Board of School Education Haryana, Bhiwani.

**Note- The candidates those who are having/passed HTET till the date of interview after advertisement will be allowed for interview on the basis of acquiring HTET (Test) till the date of interview.**

2.1. The petitioner belonged to SC category, and applied for the post as such. He cleared the written test on 08.08.2018, and was called for verification/scrutiny of documents on 23/24.08.2018, but could not appear. The candidates, including the petitioner, were given another opportunity for scrutiny of documents on 11.09.2018, still the petitioner could not appear for it. Thereafter, the shortlisted candidates were called for interview on 26.09.2018, and the final partial result for the posts of TGT Science was announced on 17.10.2018, Annexure P-6; the last selected candidate in SC category secured sixty-five marks. The Commission again declared the remaining result on 01.09.2022, Annexure P-8, whereby ten more candidates of SC category were selected. Even thereafter, three hundred and eleven posts under the category remained vacant.

2.2. The petitioner approached this Court by filing CWP No.995 of 2019, whereby an interim direction was issued on 16.01.2019 to provisionally interview him. His documents were accordingly scrutinized, and was



interviewed on 24.04.2019, wherein he secured ninety-four marks (eighty-four in written and ten in interview). In these circumstances, the petition was disposed of vide order dated 10.11.2022 directing the Commission to pass appropriate order on the petitioner's eligibility to compete for the post. In case he was found eligible and meritorious, keeping in view the number of posts advertised in SC category, he was to be recommended to the concerned Department for appropriate consideration.

2.3. Pursuant thereto, the Commission passed the impugned order dated 02.02.2023, declaring him ineligible for the post of TGT Science for want of HTET certificate in the relevant subject/Science, as per the scrutiny of his documents. The order was passed on the basis of eligibility condition that the candidates were required to qualify '*HTET of respective subject for the post applied.*' Since the petitioner had produced HTET in Mathematics, it could not be considered valid for the post applied/TGT Science.

3. In this background, learned counsel for the petitioner contends that the rejection of petitioner's candidature is in violation of law laid down by this Court vide judgment dated 20.04.2018, rendered in CWP No.24377 of 2016 titled *Suman v. State of Haryana and others*. It was held that the words '*respective subject*' introduced in the advertisement in question (3 of 2015) were foreign to the scheme envisaged in the prospectus of HTET. Accordingly, the petitioner is to be considered eligible on the basis of his qualification/HTET in Mathematics. About three hundred and eleven posts of TGT Science are still vacant, as no recommendation has been made against the same in the results declared by the Commission, dated 17.10.2018 and 01.09.2022.

4. Learned State counsel, on the contrary, contended that the petitioner's candidature was rightly rejected for not possessing HTET



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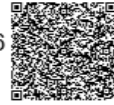
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certificate required for the post in question. The condition in the advertisement required the candidates to qualify HTET of 'respective subject' for the post applied, and the petitioner concededly did not possess the same. The condition has been prescribed in terms of statutory service rules-the Haryana School Education (Group-C) State Cadre Service Rules, 2012 (for short 'Rules of 2012'), and no exception can be taken to it. It has, however, not been disputed that the petitioner secured ninety-four marks in total, whereas the last selected candidate in the category secured sixty-five marks; and that three hundred eleven posts under SC category remained vacant.

5. Submissions made by learned counsel for the parties have been considered.

6. Apparently, the petitioner has secured ninety-four marks in selection for the post of TGT Science under SC category, as against sixty-five marks secured by the last selected candidate. The only reason his candidature has been rejected is the requirement to qualify HTET in Science instead of Mathematics, as has been done by the petitioner by clearing the test on 19.04.2018. Interviews for the post were held on 23/24.08.2018, and he was required to possess a valid HTET certificate prior thereto. The issue arising for consideration, whether a candidate who has qualified HTET in Mathematics can be considered eligible for the post of TGT Science in response to advertisement 03/2015, has already been decided by this Court in *Suman* case (*supra*) holding as under:

7. It is rather apparent on a plain reading of the scheme that the HTET is not held in each and every teaching subject which have been advertised for the composite post of Trained Graduate Teachers (PGT) in school cadre. Items (i), (ii) and (iii) specified under the scheme are compulsory. However, item (iv) is divided



into three parts which makes it manifest that HTET can be qualified in “Mathematics and Science” or in “Social Studies”. For other teachers, requirement is either subjects shown as (iv) (a) or (iv) (b).

8. The eligibility condition in advertisement No.3 of 2015 relating to the selection process when it speaks of “respective subject”, is in direct contradiction with the scheme of HTET. This is also the view taken by the Coordinate Bench in CWP No.26795 of 2016, *Shikha Rani and another v. State of Haryana and others*, decided on October 25, 2017 of which I am in respectful agreement. There is another short order passed by Brother Amol Rattan Singh, J., on the same date in the connected cases in *Anwar Khan and others v. Board of School Education, Haryana, Bhiwani and another* clarifying that since the petitioners' contention therein is that their candidature has been rejected because they have not cleared the HTET examination with the certificate specifying that they have cleared it in the subject of Physical Education, their candidature cannot be rejected, if they have cleared the HTET either in the Math and Science stream of the examination, or in the Social Studies examination.

9. As a result, the words “respective subject” introduced in advertisement No.3 of 2015 are foreign to the Scheme envisaged in the prospectus of the test and are accordingly quashed being in direct conflict with the scheme of HTET even when the advertisement calls candidates only with certificates having qualified HTET. The words “respective subject” have to be read out of the advertised qualifications as inessential.

10. The writ petitions are allowed and wherever the expression “respective subject” exist in the eligibility criterion in the respective advertisements will stand invalidated as far as the same subject matter is concerned.

11. Therefore, selection process to fill the posts of TGT in different disciplines will henceforth proceed on the basis that those of the petitioners who have applied and possess the certificate of HTET in accordance with the “Scheme/Structure and Content” at



internal p.6 of the Prospectus at Annex P-8 with the paper-book are eligible. Eligibility shall be determined in this way by discarding concept of “respective subject” in the advertisement and final merit of the contestants drawn accordingly.

7. It has not been disputed that the judgment *Suman case ibid* has attained finality. Therefore, rejection of the petitioner’s candidature vide impugned order, dated 02.02.2023, is in clear violation of law declaring the words ‘respective subject’ foreign to the Scheme envisaged in the prospectus of HTET, and were to be excluded/read out of the required qualifications notified in the advertisement in question.

8. The contention by learned State counsel that qualification has been prescribed in the Rules of 2012, and the stipulation requiring the candidates to possess the same cannot be ignored, is also without substance. The relevant qualification prescribed for the post of PGT Science under the Rules of 2012 is as under:

#### Appendix B

Sr. No.	Designation of posts	Academic qualifications and experience, if any, for direct recruitment	Academic qualification and experience, if any, for appointment other than by direct recruitment
1.&2.	xxx	xxx	xxx
3.	TGT Science	(i) to (iii) xxx (iv) Certificate of having qualified Haryana Teacher Eligibility Test (HTET) /School Teachers Eligibility Test (STET); (v) xxx	(i) to (iii) xxx (iv) Certificate of having qualified Haryana Teacher Eligibility Test (HTET) /School Teachers Eligibility Test (STET); (v) xxx
4.to 13.	xxx	xxx	xxx

Evidently, the Rule only requires a certificate of having qualified HTET, and the condition of ‘respective subject’ in the advertisement has been prescribed



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by the respondents in their own wisdom which has already been invalidated by this Court in *Suman* case (*supra*). It could not, therefore, have been insisted upon by referring to the Rules also.

9. Consequently, the rejection of petitioner's candidature underlines blatant illegality and high handedness, as the Commission has acted in teeth of law by denying what is rightfully due to him. This is arbitrary, and has forced him in unwarranted litigation causing undue harassment and humiliation which makes the Commission liable to pay exemplary costs.

10. The petition is accordingly allowed, the Commission is directed to recommend the petitioner for appointment, and thereafter respondent nos.1 and 2 shall offer appointment to him against a vacant post, subject to his fulfilling requisite conditions, with effect from the date other selected candidates in SC category have been appointed in response to the advertisement in question. He shall be entitled to all service benefits notionally from the date of appointment and actually from the date of joining service. The directions shall be carried out by the respondents within a period of four weeks of receiving a certified copy of this judgment.

11. The Commission shall pay costs of the petition to the petitioner which are quantified as ₹1,00,000 (Rupees one lakh), within two weeks of receiving a certified copy of this order.

**(TRIBHUVAN DAHIYA)**  
**JUDGE**

**25.03.2025**

*Payal*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No