



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

Sr. No.103

Date of Decision: 21.03.2025

1) CWP-5002-2025

Kuldeep Singh Khokhar

.... Petitioner

Versus

State of Haryana and others

... Respondents

2) CWP-5015-2025

Sanjay Kumar

.... Petitioner

Versus

State of Haryana and others

... Respondents

3) CWP-5017-2025

Satvir Singh

.... Petitioner

Versus

State of Haryana and others

... Respondents

4) CWP-5027-2025

Geeta

.... Petitioner

Versus

State of Haryana and others

... Respondents

5) CWP-5037-2025

Naresh Kumar

.... Petitioner

Versus

State of Haryana and others

... Respondents



6) CWP-5049-2025

Sonu Bajaj @ Sonu Kumar

.... Petitioner

Versus

State of Haryana and others

... Respondents

7) CWP-5065-2025

Sudesh Kumar

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sunil K. Nehra, Advocate, for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

Common questions of law on similar facts arise in all these petitions, and the same are therefore being decided together by this order. For brevity, the facts are being taken from CWP No.5002 of 2025, which has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to appoint the petitioner on the post of PGT Hindi in view of directions issued by this Court vide judgment dated 07.08.2024, rendered in a batch of petitions with lead case CWP No.8117 of 2023 titled *Prem Parkash and others v. State of Haryana and others*.

2. Facts of the case in brief are, the petitioner was an applicant for the post of PGT Hindi in response to advertisement 1/2012, dated 07.06.2012, Annexure P-1, wherein one of the essential qualifications was certificate of having qualified Haryana Teacher Eligibility Test (HTET) of the respective subject for the post applied. At the same time, the candidates



having minimum four years' teaching experience till 11.04.2012 were exempted from qualifying the test as per stipulation in the advertisement itself. The petitioners did not qualify HTET and their claim for exemption was rejected on the ground they had teaching experience for Classes VI to X as Guest Teachers, whereas the respondents were of the view that to claim exemption the candidates were required to possess teaching experience of PGT classes only, i.e., for Classes IX to XII.

2.1. The petitioners approached this Court by filing CWP No.20869 of 2012 titled *Kuldeep Singh v. State of Haryana and others*, decided on 27.07.2022, along with a batch of petitions with lead case CWP No.17432 of 2012. A plea was taken that as the petitioners had experience of teaching Classes IX and X, which were taught by PGT teachers, they should be considered eligible for grant of exemption from HTET. Since the plea had been raised before the Court for the first time, the petition was disposed of with the following observations:

The second argument, which has been raised by learned Senior counsels for the petitioners is that even if the Note-2 of the advertisement is to be interpreted that experience has to be against PGT Post, then also the petitioners are to be treated eligible for the reason that a teacher who is teaching Class 9th and 10th, is to be treated as a Post Graduate Teacher. Learned counsel submits that under the RTI, the Guest Teachers who were teaching 9th and 10th classes, were granted experience certificate by treating them having PGT experience and therefore, the petitioners, who have also taught 9th and 10th classes, are to be treated as Post Graduate Teachers for all intents and purposes.

Learned State counsel submits that though, the said argument has been raised before this Court orally but the said question has not been raised in the present petition, so that reply could have been filed qua the said argument but submits that in case, the petitioners are of the view that their case is covered



under Note-2 to the effect that they are having the experience of working for a period of four years against a PGT post, they should file representation attaching the proof thereof.

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Learned State counsel submits that in case, the petitioners file their representation within a period of next three weeks, the same will be decided within a period of three months and till the decision of their representation, no action will be taken for filling up the posts which were kept vacant under the orders of this Court in these petitions, but after the decision of their representation, the respondents be given the liberty to fill up those posts in accordance with law.

2.2. None of the petitioners herein filed any representation to the respondents seeking exemption on the basis of their experience of teaching Classes/standards IX and X. A few other petitioners filed such representations which were rejected vide order dated 20.02.2023, Annexure P-5. The order was challenged by those petitioners by filing writ petitions, CWP Nos.8117, 8652 and 12458 of 2023, which were allowed by this Court vide judgment dated 07.08.2024, Annexure P-6, holding the petitioners therein eligible for the post in question on the basis of experience of teaching standards IX and X (meant for PGTs while working as guest teachers/TGTs). Pursuant thereto, the said petitioners have been appointed against the posts which were kept vacant during pendency of those petitions in terms of the interim order(s) passed by this Court.

2.3. After the aforesaid judgment dated 07.08.2024 and appointment of the petitioners therein, the petitioners in instant writ petitions also claimed exemption from HTET and served a legal notice, dated 05.02.2025, Annexure P-7, before the respondents, which has not been decided so far, leading to filing of the instant petitions.

3. Mr. Nehra, learned counsel for the petitioner(s) has contended that the petitioners are essentially claiming the same relief as has already



been granted by this Court, vide judgment dated 07.08.2024, to identically placed candidates for the posts of PGT in response to the advertisement in question. Once the law has been settled, they cannot be denied relief only on account of delay in raising the claim. In support of the submissions, he has relied upon a judgment rendered in *Purnendu Mukhopadhyay and others v. V.K. Kapoor and another*, 2008(14) SCC 403.

4. Learned State counsel, on the contrary, contends that the petitioners never approached this Court after decision of their earlier writ petition, CWP No.20869 of 2012. It was only after the writ petitions filed by similarly placed candidates were allowed by this Court vide judgment dated 07.08.2024, they rose from slumber and thought of agitating their claim by serving a legal notice which cannot be accepted. She further contends that as per instructions received from the Department vide memo dated 21.03.2025, there are no vacant posts of PGT available with the Department against advertisement 1/2012. After conclusion of the selection the vacant posts were re-advertised. She has referred to a later advertisement 18 to 37 of 2024 for the posts of PGT in various subjects, against which the Department has already received recommendations from the Commission, and is in the process of issuing appointments. Therefore, on this account also the petitioners are not entitled to the relief claimed.

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

6. There is no denying the fact that the petitioners did not avail the opportunity granted by this Court vide judgment dated 27.07.2022, to file representations with the respondents claiming exemption on the basis of experience of teaching Classes IX and X. Their cases were, accordingly, never considered by the respondents as they had given up their claim in this regard. It is also an undisputed fact that the Department considered cases of only



those candidates who had filed their representations in terms of the judgment dated 27.07.2022, and rejected the same vide order dated 20.02.2023. The same was challenged before this Court by filing different writ petitions by the affected candidates, and posts were kept vacant only for them in terms of specific interim order(s) passed to that effect. Their claim was accepted vide judgment dated 07.08.2024, rendered in CWP No.8117 of 2023 and other connected matters. Only thereafter, the petitioners thought of agitating their claim seeking exemption from HTET and the consequent selection. They cannot be permitted to take benefit of the judgment rendered by this Court in cases of other candidates as they had given up their rights by not filing any representation to the respondents in terms of the opportunity granted vide order dated 27.07.2022.

7. Further, the judgment relied upon by Mr. Nehra in *Purnendu Mukhopadhyay* case (*supra*) has no application to the facts of the instant case since in that matter the Supreme Court has held that once the Court has granted a relief, it cannot be refused to the similarly placed persons. The petitioners herein are not similarly situated to the candidates who were granted the relief vide judgment dated 07.08.2024, as they themselves never agitated the right to claim the said relief at the first instance; *secondly*, there are no posts available against which their candidature can be considered. Still further, the petitioners are mere fence-sitters and have approached the Court after considerable delay without any plausible explanation. They cannot claim the relief given in cases of other candidates who agitated their rights and knocked the doors of this Court at appropriate stage. A reference in this regard can be made to the judgment in *State of Uttar Pradesh and others v. Arvind Kumar Srivastava and others*, (2015) 1 SCC 347, holding as under:



22.2. However, this principle is subject to well-recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

8. In view thereof, finding no merit in the petitions, the same are dismissed.
9. A photocopy of this order be placed on the connected files.

(TRIBHUVAN DAHIYA)
JUDGE

21.03.2025
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No