

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION(C) NO. 309 OF 2013

IN

CIVIL APPEAL NO. 4128 OF 2012

Ritu Sharma

..Petitioner

versus

P.D. Verma and another

..Respondents

O R D E R

In this petition, the petitioner has prayed that the non-petitioners be punished for non-compliance of order dated 1.5.2012 passed in Civil Appeal No. 4128 of 2012.

In paragraphs 4 and 5 of the counter affidavit, respondent no.2 has averred as under:

"4. That the deponent was appointed in February, 2012 as Chairman of the newly constituted Haryana School Teachers Selection Board. In pursuant to the Haryana State Educational School Cadre (Group-B) Service Rules, 2012 and Mewat District School Education (Group-B) Service Rules, 2012 which came into force on the date of their publication in the official gazette i.e. 11.04.2012, the Haryana School Teachers Selection Board issued advertisement No. 1/2012 (Annexure R-A) (53-60) on 07.06.2012 for inviting the online application for the various post of Post Graduate Teachers. One of the essential qualification as per above advertisement and Service Rules, 2012 for the post of Post Graduate Teachers was as under:-

(i)Certificate of having qualified Haryana Teacher Eligibility Test (HTET) School Teachers Eligibility Test of respective subject for the post applied, conducted by Board of School Education Haryana Bhiwani/One time exemption of HTET (see Note-2).

Note-2 of the advertisement No.1/2012 dated 07.06.2012 is reproduced below for ready reference:-

A onetime exemption of HTET/STET has been granted to the candidates who have worked for minimum 4 years till 11.04.2012 in privately managed Govt. Aided School, recognized schools and govt. schools. Candidate must be in service on 11.4.2012 in addition to being in position on the date of applying for the said post. They will have to qualify HTET not later than 1st April, 2015 otherwise their

service will be terminated automatically. Qualification/eligibility condition and certificates will be determined with regard to last date fixed for submission of online applications also called as closing date given in the advertisement (Although condition of 'candidate must be in service on 11.04.2012 in addition to being in position on the date of applying' was struck down by the Hon'ble High Court vide order dated 21.12.2012 passed in CWP No.15929 of 2012).

5. That on perusal of the above condition it is crystal clear that for becoming eligible for the post of Post Graduate Teachers, the candidate must have either qualified Haryana Teacher Eligibility Test/State Teacher Eligibility Test or 4 years teaching experience on the post of Post Graduate Teacher in relevant subject till 11.04.2012. In the present case as per the para 7(v) of the contempt petition, the applicant applied online for category No.13 (PGT Hindi), category No.14(PGT Political Science) and category No.17 (PGT History) vide registration No. 11300555, 112400165 and 11700096 respectively. In this regard it is submitted that the Haryana School Teachers Selection Board on the basis of information filed by the applicant in online application form, issued Roll Nos. 13017983 (PGT Hindi), 17120994 (PGT Political Science) and 12031111 (PGT History) for verification/scrutiny of documents-cum-interview. The application appeared on 13.12.2012 at PWD (B&R) Rest House, Rewari before the verification/scrutiny of documents-cum-interview committee for the post of PGT History (category No.17) but her candidature was rejected by the scrutiny committee after verifying the documents as she neither possesses the qualification of Haryana Teachers Eligibility Test (HTET)/State Teachers Eligibility Test (STET) nor having the 4 years teaching experience as PGT History which is the essential eligibility condition for becoming eligible for the post of Post Graduate Teachers. Further, on 20.12.2012 she appeared at PWD (B&R) Rest House, Rewari before the verification/scrutiny of documents-cum-interview committee for the post of PGT Political Science (category No.14) and her interview was conducted provisionally. Thereafter on 08.03.2013 a rejection of her candidature was sent to her on the ground that she has neither completed 4 years PGT experience in school cadre nor she is having the qualification of HTET/STET. In this regard her reply was examined and not having found satisfactory her candidature for the post of Political Science was also rejected due to the above reasons. Furthermore, on 22.03.2013 the applicant was provisionally interviewed for the post of PGT Hindi (category No.13) at Rohtak and after verification of documents on 20.06.2013 a letter for rejection of candidature was sent to the application on the same ground i.e. she has neither 4 years PGT experience nor having qualification of HTET/STET. In fact the applicant possesses the teaching experience of the post of Primary Teacher which is not relevant for becoming eligible for the post of Post Graduate Teacher (PGT). In this regard also applicant submitted her reply but the same was not found satisfactory and her candidature for the post of PGT Hindi was also rejected. In view of the above position applicant cannot be treated eligible for any of the above posts of PGT as she is not having the essential qualification of STET/HTET or teaching experience of PGT as required in Service Rules, 2012 as well as in the advertisement No.1/2012."

In view of the above re-produced averments. the contempt petition is disposed of as infructuous with liberty to the petitioner to challenge the decision taken by respondent No.2 treating her ineligible.

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[signed order is placed on the file]