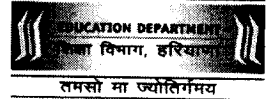




GOVERNMENT OF HARYANA / हरियाणा सरकार

Directorate of Elementary Education

निदेशालय मौलिक शिक्षा

शिक्षा, संस्कृति एवं विकास
Education, Culture and Development

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ORDER

1. That the Directorate of Elementary Education, Haryana vide advertisement no. 2/2012 dated 08.11.2012 advertised 9870 posts of primary teachers out of which 8763 were for the Rest of Haryana cadre and 1107 for the Mewat cadre. In order to give a clear cut view of requisition as well as recommendations, detailed elaborated position is explained as under:-

Cadre	Requisition sent to	Recommendations (Main Merit list)	Waiting list	Total Selected
Rest of Haryana Cadre	8763	8374	674	9048
Mewat Cadre	1107	1081	89	1170
	9870	9455	763	10218

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2. That a CWP No. 12938/2014 titled as Maha Singh Bhurania & Others Versus State of Haryana & Others was been filed in the Hon'ble Court of Punjab and Haryana praying that before declaring the result, credentials for all the candidates be verified and also technical verifications be made before the appointment.
3. That the State Crime Record Bureau, Madhuban, Karnal was referred and it sent the report verifying the thumb impressions of candidates to this department in installments.
4. That after the decision of Civil Writ Petition No. 346 of 2013 titled as Antim Kumari Vs. State of Haryana & others, the Secretary Haryana Staff Selection Commission Panchkula sent the selection list of 2507 candidates in pursuance of same advertisement No. 2/2012 on 04.08.2015 the detail of which are elaborated below:-

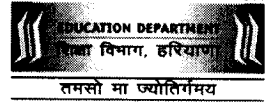
Cadre	Recommendations	Main merit list	Waiting list
Rest of Haryana	2095	1864	231
Mewat	412	362	50
Total	2507	2226	281



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In addition to above, the name of 7 candidates have also been recommended by Haryana Staff Selection Commission on the basis of different court directions. It is pertinent to mention here that in Civil Writ Petition No. 11796 of 2015 titled as Meenakshi Malik & others Vs. State of Haryana the Hon'ble High Court directed on dated 08.01.2016 that all the petitioners who are in the waiting list alongwith the selected candidates are ordered to be accommodated. In this way, the department received the total selection list of 12732 candidates in pursuance of the advertisement No. 2/2012 of 9870 posts against which earlier the recommendations of 9455 PRTs. were received, meaning thereby against the requisition of 9870 posts, the department has received 12732 recommendations for appointment.

5. That as per direction of Hon'ble High Court this Deptt. compiled the reports of thumb impressions/signatures and the matter is under process.
6. The appointment against the recommendations could not take place due to continuous litigation. In CWP No. 346 of 2013 titled as Antim Kumari & others Vs. State of Haryana, the Hon'ble Division Bench of Punjab & Haryana on dated 27.08.2013 directed the respondent board to interview the petitioner or other similarly situated candidates provisionally. The Haryana Staff Selection Commission was however directed not to declare the result. In Civil Writ Petition No. 20046 of 2014 titled as Naresh Kumar & others Vs. State of Haryana, the Hon'ble High Court has also directed that no appointment letter will be issued to any of the selected candidates till the next date of hearing. It is pertinent to mention here that the stay granted by Hon'ble High Court in Antim Kumari's case was vacated on 29.04.2015 and the stay granted in Naresh Kumar & others Vs. State of Haryana was finally vacated on 31.03.2016 and copy of the orders were received on 22.04.2016. The un-selected candidates has filed LPA No.686/2016 Pardeep Kumar Vs. State of Haryana, LPA No. 712/2016 Kavita Vs. State of Haryana and LPA No. 720/2016 Naresh Kumar Vs. State of Haryana against the judgement of the Hon'ble High Court in CWP No. 20046/2014 Naresh Kumar & ors Vs. State of Haryana. Hon'ble High Court on 11.05.2016 has passed the following orders:-

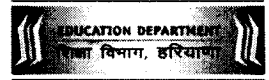
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"Notice of motion for 28.5.2016.

In the meantime, appointments shall remain stayed."

7. The Hon'ble High Court vide dated 20.04.2017 vacated the stay in the interim order of 11.05.2016. The Hon'ble Court further directed to keep vacant 54 posts of JBT so as to accommodate the appellant – writ petitioners in the event of acceptance of their claim. The Hon'ble Court further directed that the Department shall be at liberty to fill up the remaining posts. By putting a rider that the appointment shall be made strictly in order of merit but not beyond the advertised posts and the appointment shall be subject to the final outcome of LPA 686 of 2016 titled as Pardeep Kumar Vs. State of Haryana.
8. The Directorate had sent the requisition for 8763 vacancies for the rest of Haryana and 1107 vacancies for Mewat cadre to the Haryana Staff Selection Commission. The Haryana Staff Selection Commission sent recommendations lists for the of primary teachers for rest of Haryana vide dated 20.08.2014.
9. That in CWP No. 346/2013 titled as Antim Kumari Vs. State of Haryana & ors. the Government of Haryana give undertaking that the department has sufficient vacancies of primary teacher for consideration of the claim of the petitioners and in the way the competing claims of the petitioners and the selected candidates will be settled. In view of the judgement of Antim Kumari, the Haryana Staff Selection Commission sent another recommendation for the post of primary teachers for rest of Haryana and for Mewat cadre on dated 04.08.2015 with joint merit lists.
10. When the judgement of Hon'ble High Court in LPA 686 of 2016 titled as Pardeep Kumar Vs. State of Haryana came on 20.04.2017, guidance was sought from Haryana Staff Selection Commission as to how letters of appointment are to be issued based on joint merit list in view of the Hon'ble Court direction that appointment should be made strictly in order of merit but not beyond the advertised posts.
11. The Haryana Staff Selection Commission intimated on 25.04.2017 that in the light of the decision of the Hon'ble High Court, the second recommendation list dated 04.08.2015 was forwarded to the Director General Elementary Education, Haryana. The letter dated 20.04.2015 by this department to AG

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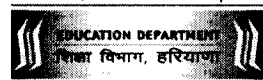
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Haryana and subsequent assurance in the Hon'ble Court of Punjab and Haryana by the Advocate General are also to be kept in view. The advice of Ld. A.G. was sought and advice is reproduced below :-

"Subject : Regarding filling up of vacant posts of JBT Teachers.

That the above captioned matter has been marked to the undersigned for rendering opinion on the queries raised by the department.

On 08.11.2012, 9870 posts of Primary Teachers was advertised. In pursuance to this, interviews were held and finally on 14.08.2014, the final result was declared and the recommendation list were sent by the then Board. Additionally, a litigation was also initiated on behalf of candidates who passed HTET exam in the year 2013, wherein they prayed for consideration of their cases under the advertisement earlier advertised posts. They were permitted to be considered in the interim and on the final state, the government gave an assurance that the cases of 2013 candidates would be considered as there are sufficient number of vacant posts, if permission is granted by the Hon'ble High Court. In terms of this, a decision was rendered in CWP No. 346 of 2013 titled Antim Kumar & Ors. vs. State of Haryana, wherein the candidates of the year 2013 were also allowed to be accommodated. These candidates number 2507 in total and their merit list was prepared subsequently. Now the total numbers of candidates is 12732.

Now on 22.04.2016, the Hon'ble High Court has directed for the State to fill up the posts of JBTs keeping 54 posts of JBT as vacant. The Hon'ble High Court has stated that

"The appointment shall be made strictly in order of merit but not beyond the advertised posts."

The order passed by the Court is very specific and limited itself to the number of posts advertised i.e. 9870 out of which 54 posts are to kept vacant. The merit list of candidates as per advertisement dated 08.11.2012 is to be operated first and the State may give appointments to the extent of 9870 candidates leaving out 54 posts in their respective categories strictly in order of merit our of this extent allowed to be filled as per the above order. In no case the posts should be filled up beyond the permitted limit as stated above.

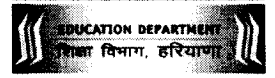
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The question of seniority amongst the selected candidates may be kept open at this stage and the appointment orders be issued conditionally mentioning that the orders are subject to be decision of the pending writ petitions and the LPA's.

Opined accordingly."

12. In view of the advice given by the AG Haryana, the Directorate may take following steps with approval of Government :-

- (i) 54 posts of the categorywise which the petitioners in LPA No. 686 of 2016 titled as Pardeep Kumar Vs. State of Haryana, belongs, will be withheld and kept vacant as per the High Court directions.
- (ii) The first list of recommendations by the Haryana Staff Selection Commission will be used to offer appointments.
- (iii) As regards, these candidates about who a clear finding of impersonation has been received from SCRB/FSL, their candidatures will be cancelled and they will not be offered appointment.
- (iv) There are some candidates whose genuineness has not yet been fully established, they are not to be offered appointment till their issues are decided substantially. Such no. of posts will be kept vacant till the verification is finished.
- (v) The AG's advice suggests that after the first list dated 20.08.2014 is exhausted, the 2nd list dated 04.08.2015 may be used to give appointments till the permitted number that is (9870-54) 9716. However, this has some complications, the relative claim of the waiting list of the first list and that of the 2nd list including its waiting lists is yet to be established. There are some candidates who seems to be having inter-se merit advantage vis-a-vis the candidates in first list. In view of this, the candidates in 2nd list have also not been allocated cadre by Haryana Staff Selection Commission.

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In view of this, for the time being only candidates from 1st list are to be offered appointment till further clarifications are available either from Advocate General or from Hon'ble High Court.

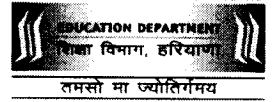
In the light of above, the districtwise list of candidates who are to be given appointment now is attached as Annexure-1 (lists of 21 district). The DEEO may issue appointment letters to these



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candidate and facilitate their joining after due verification of record/antecedents.

13. The candidates whose thumb impressions were not found identical by SCRB, the candidates whose signature were not found same by FSL, the candidate against whom FIR was lodged due to fake HTET Certificate and candidates who were selected but their HTET was for the TGT posts and not for the post of JBT shall be considered as rejected candidates which are shown at **Annexure-III**. It is pertinent to mention here that against these rejected candidates legal penal action may be taken under IPC at the earliest.
14. It is further clarified that the candidates who have been selected in the list of rest of Haryana and in Mewat Cadre, they may choose to in either of these places. Meaning thereby that they can join in Mewat district or in district allotted to them in rest of Haryana.
15. The districts allotted to all the candidates are provisional in nature and will be subject to the re-allotment rationalisation of posts.
16. It is also pertinent to mention here that the Haryana School Teacher Selection Board, Panchkula while issuing the selection list vide letter No. 2/1/2013-HSTSB/CA/507 dated 20.04.2014 advised to this directorate in his letter that a condition to the effect that the merit of selected candidates in their respected categories will be further subject to the final outcome of SLP No. 7820/2013 and other connected SLPs pending for adjudication in the Hon'ble Supreme Court of India be incorporated in the appointment letter of the candidates.
17. It is also mention here that as per discussion with higher authorities with regard to police verification of the candidates it is informed that vide instruction No. 52/3/2005-6S(1) dated 18.11.2005 the Government decided that policy of prior verification of character and antecedents will also be adhered to in respect of persons to be appointed to Class III i.e. Group 'C' (including teachers) posts in Education Department. Hon'ble High Court in CWP No. 12938/2014 titled as Maha Singh Bhurania & ors. vide his order dated 06.08.2014 and 13.03.2015 also ordered to verify the antecedents before issuing appointment letters(copy of orders placed below).
18. It is also submitted here that the validity of the selection is expired due to continuous litigation and stay orders of Hon'ble Punjab & High Court on the

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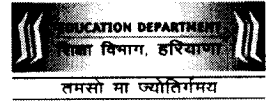
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selection process. So, it is also proposed that the validity of list may also be got extended by the office of Chief Secretary, Haryana. File is already submitted in his office.

19. A separate notification will be issued specifying the time limit by which candidates selected on the basis of teaching experience will have to clear the HTET examination.
20. It is hereby ordered that requirement of verification of Character and antecedents of candidates selected against advertisement No. 2/2012 Cat. No. 1 and Cat. No. 2 on the post of PRT's /JBT's in year 2014 may be Completed after joining.

Wesahy 27/4/17

**Additional Secretary School Education
for Additional Chief Secretary Haryana School Education
Department Chandigarh**