

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

CWP No. 4184 of 2016
Date of decision: 01.03.2016

Navkaran Singh

....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Munish Thakur, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the quashing of list of ineligible candidates (Annexure P-8) published by the respondent-Commission whereby, the petitioner has been declared ineligible for sitting in the main examination in the Punjab State Civil Services Combined Competitive Examination-2015 to be held from 05.03.2015 to 12.03.2015.

The petitioners applied qua the advertisement dated 10.09.2015 (Annexure P-1). It is not in dispute that the petitioner is a final year student of Electrical and Electronics Engineering at Birla Institute of Technology and Science, Pilani. He has not completed his four years degree course and his eligibility in all probability would be complete only in May, 2016. It is his case that he is an outstanding student and, therefore, he wanted to join the civil services and had applied in pursuance of the said advertisement. The petitioner has also cleared the preliminary examination and made the cut off having secured the requisite marks (Annexure P-5). On account of

not having the requisite qualification upto the last date on 29.01.2016 for filling the online application forms for the main examination, his name was put in the list of ineligible candidates, which is now subject matter of challenge. It is not disputed that the online applications were to be filled up by 05.10.2015 and as per Clause 2, the possession of the Bachelors degree was a requirement however, the proof of passing the degree for being eligible to take the main competitive examination during that year had to be shown and the candidate was permitted to take the preliminary competitive examination while studying for his degree. The relevant clause reads thus:-

“2. ESSENTIAL QUALIFICATIONS:-

(i) The candidate should possess a Bachelor's degree in any discipline from a recognised university or institution. Provided that the candidate may be permitted to take Preliminary Competitive Examination while studying for his degree. However, the candidate shall be required to produce proof of passing the degree course for being eligible to make the Main Competitive Examination during that year.”

Thus, it would be apparent that the petitioner, for taking the main competitive examination, had to have a graduation degree which, in his case, is apparently missing.

Counsel for the petitioner has vehemently argued that principle of promissory estoppel as such would apply as the petitioner has been allowed to sit in the examination and the respondent-Commission was aware that he was not a Graduate.

The said argument cannot be accepted. The terms of Clause 2 are very explicit and before sitting in the main examination, the petitioner had to possess a degree. Even otherwise, the advertisement is very clear in

the context that the preliminary examination could be taken by non-Graduates at that stage, however, while filling up the form for the main examination, the requirement was to have completed the Graduation which, in the case of the petitioner, is missing. The argument which has now been raised would lead to the violating the sacrosanct principle of the cut off date. Clause 6.1 of the advertisement reads thus:-

“6. Educational Qualifications

6.1 The candidate should possess a bachelor degree in any discipline from a recognized university or institution; Provided that the candidate may be permitted to take preliminary examination while studying for the qualifying degree. However, the candidate shall be required to produce proof of qualifying the degree course for being eligible to take the Main Competitive Examination (As per Punjab State Civil Services (Appointment by Combined Competitive Examination) Rules, 2009.”

Reference can be made to the judgment of the Apex Court in ***Dolly Chhanda Vs. Chairman, JEE 2005 (9) SCC 779*** wherein, it has been held that there can be no relaxation regarding the holding of the requisite qualifications by the date fixed and the necessary certificates and degrees have to be produced by the cut-off date. Relevant observation reads as under:

“7. The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e. in the matter of holding the

requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or marksheets. Similarly, in order to avail of the benefit of reservation or weightage etc. necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement for benefit of reservation. Depending upon the facts of a case, there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature.”

Keeping in view the settled principle, there is no scope for interference and the present writ petition is dismissed.

01.03.2016
shivani

(G.S. SANDHAWALIA)
JUDGE