

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

**Civil Writ Petition No.18632 of 2013
Decided on : 28.08.2017**

Kuldeep Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present : Mr. J.K. Goel, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana

G.S. Sandhawalia, J. (Oral)

The petitioner seeks quashing of the order impugned orders dated 22.04.2010 (Annexure P-5), 03.09.2012 (Annexure P-12) and 11.04.2013 (Annexure P-13), whereby his application for the post of Constable was rejected on the ground that he had not attached the necessary certificate being a disbanded candidate of Haryana State Industrial Security Force Battalion (hereinafter referred to as 'HSISF').

It is not disputed that the petitioner was an applicant, in pursuance of the advertisement dated 21.07.2008 (Annexure P-2), whereby he had sought consideration for appointment against 5456 posts of temporary Constable (General Duty) in Haryana Police. As per the advertisement the cut-off-date was 05.09.2008. The petitioner being an member of the HSISF which had been disbanded on 29.06.2005 was eligible for age relaxation to participate in the recruitment process.

The case of the petitioner is that he was successful in the

Physical Measurement Test (PMT) and thereafter participated in the Physical Efficiency Test (PET), but his case has not been further processed, though he was entitled for the benefit of age relaxation being a member of the earlier disbanded force. The certificate dated 06.07.2005 whereby disbandment was made has been attached as (Annexure P-1). As per the terms of the advertisement, candidates who had qualified the PET were to be interviewed by the Selection Board and 15 marks had been fixed for interview/personality test. The eligible ex-constable of five disbanded HSISF Battalion who had reached upto the interview stage were to be given a weightage of 3 marks to be added to their marks secured in interview, subject to maximum 15 marks.

The stand of the respondents is that since he had not attached documentation with his application proving that he was an constable of HSISF, his candidature was rejected on the ground of being overage. He had to appear before the Selection Board on 03.03.2009 and had appeared for Physical Measurement and qualified the same, but on account of his application being duly scrutinized and finding non-availability of documents, his case was rejected being overage.

Counsel for the State has produced the original record, wherein checklist would go on to show that disbandment certificate has been crossed out since it was not available. Even from the writ petition, it would be clear that notice dated 27.08.2012 (Annexure P-11) had been sent to the respondents. The respondents had replied on 03.09.2012 (Annexure P-12) to the said representation that on the application form

there was no proof of being a disbanded candidate and he had not attached any certificate in this regard.

Counsel for the petitioner could not also demonstrate in any manner that thereafter also any application was filed to the respondent-authorities to show the proof of his disbandment.

It is settled principle that once the petitioner had applied against a specific category he had to show that he was a member of the said force. The necessary certificate having not been attached with the application form, the respondents accordingly considered him in the General Category and declared him overage, as he was to get the benefit of age relaxation only on account of being an ex HSISF member of which he had not attached the necessary proof. The cut-off-date was prescribed as 05.09.2008, whose sacrosanctity has to be maintained. Resultantly, in the absence of necessary certificate, his case was not considered in that category. Thus, no fault can be found in rejecting the case of the petitioner.

Accordingly, the present writ petition is dismissed.

AUGUST 28, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No