

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14433 of 2017
Date of decision:07.07.2017

Angad Kumar

....Petitioner

Versus

State of Haryana & another

...Respondents

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

Present: Mr.Paramjit Singh Jammu, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks setting aside/modification of that part of the advertisement dated 28.06.2015 (Annexure P2) whereby the cut-off date was fixed as 21.09.2015, for fulfilling all the eligibility conditions. Relevant clause reads as under:

“ iii) Candidates applying for a post must ensure that they fulfill all the eligibility conditions on the last date of application. If on verification at any time before or after the written examination or interview or appointment, it is found that they do not fulfill any of the eligibility condition or it is found that the information furnished is false or incorrect their candidature will be cancelled.”

Counsel for the petitioner submits that the petitioner obtained the MA degree in the subject of Geography only in May, 2016 and therefore, since he was called for interview and scrutiny of documents on 25.04.2017, he should be considered for appointment to the post of PGT, Geography but he was not considered for the said post on account of the fact that his certificate was beyond the cut-off period. Counsel has vehemently relied upon the note appended in the said advertisement wherein candidates having passed the Haryana Teachers Eligibility Test, have been granted the benefit after the advertisement till the date of interview. The relevant part reads as under:

“Note- The candidates those who are having/passed HTET till the date of interview after advertisement will be allowed for interview on the basis of acquiring HTET (Test) till the date of interview.”

It is, accordingly, submitted that a similar relaxation should also be granted in the case of the educational qualifications since over a period of 2 years have been taken in completing the selection process.

The said argument is only to be noticed and rejected. The petitioner is bound by the terms of the advertisement. He was well aware of the terms and conditions of the advertisement and the fact that he was not duly qualified. At this stage, he cannot turn around and say that the terms and conditions are not suitable to him, having accepted the terms and having applied despite not having the requisite qualifications at the time of the cut off date. Reference can be made to the judgment of the Apex Court in **Madan Lal & others Vs. The State of Jammu & Kashmir & others 1995 (1) SCR 908**, wherein it has been held that candidates having appeared in the selection process, cannot challenge the process after taking a calculated chance to get themselves selected.

Even otherwise, where there is a cut-off date provided, the sacrosanctity of the same cannot be violated with impunity at the choice of the candidates as it would lead to opening of flood-gates of litigation if the same is permitted and all the candidates have to be treated at par. The conditions of the HTET would be applicable to the petitioner and to all other similarly situated candidates, especially keeping in view the fact that the said test has not been held on regular basis also since the last one was, admittedly, held in June, 2016. Therefore, the same principle cannot be applied regarding the educational qualifications.

Accordingly, finding no merit in the present writ petition, the same is hereby dismissed in limine.

07.07.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No