

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

CWP No. 17096 of 2017

Date of Decision: 02.08.2017

Nippun Kamboj

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Dalbir Singh, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks that his candidature for the post of Assistant Professor (Computer Sciences), be considered pursuant to the advertisement dated 16.02.2016, a copy of which has been annexed as Annexure P-2.

The petitioners' candidature has been rejected on the ground that he did not possess one of the essential qualifications required, i.e. the National Eligibility Test (NET), before the cut off date, which the petitioner does not deny, but learned counsel submits that the petitioner having qualified the said examination within two months of the cut off date and having produced the certificate before the Commission, he should be treated to be eligible.

When this case had come up for hearing on the first call, this Court was under the impression that the respondent-Commission had actually allowed similar kind of representations of other candidates in various selection processes and therefore had called upon Mr. Kanwal Goyal, counsel for the respondent-Haryana Public Service Commission, to clarify the position.

Mr. Goyal has submitted that the candidature of only those persons has been accepted in various selection processes after the cut off date, where either the State Government has clarified that the qualifications possessed by those candidates were equivalent to the minimum required qualifications for the post in question, or where the candidate was actually eligible for the post in all respects even prior to the cut off date but had not produced the certificate of such eligibility.

He further submits that even in such cases it has been done only on the orders of this Court.

In the present case, though the petitioner has obviously acquired the qualification prior to the selection process having been completed, however, in view of the fact that he admittedly did not possess the actual qualification by the cut off date, with such date having been held to be sacrosanct in a number of decisions, I find no reason to entertain this petition.

Some of the decisions of the Supreme Court and this Court can be cited as follows:-

1. **Ashok Kumar Sonkar** vs. **Union of India** 2007 (2) S.C.T. 19;
2. **State of Rajasthan** vs. **Hitendra Kumar Bhatt** 1997 (4) S.C.T., 32 and
3. **Dr. Sudhir Shyam and another** vs. **State of Punjab and others** 2011 (4) S.C.T. 72.

Consequently, finding no merit in this petition, it is dismissed in *limine*.

August 02, 2017
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes