

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 24.07.2018****CWP No.12781 of 2018**

Mukesh Kumar

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sunil K. Nehra, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

Heard Mr. Sunil Nehra, for the petitioner and Mr. Kanwal Goyal, Advocate, who is present in Court and usually represents the Haryana Public Service Commission.

The petitioner, a candidate for the post of Assistant Professor (College Cadre), Haryana wants a direction to the respondents to add marks for Ph.D degree to his score to bring him within the zone of consideration.

Mr. Nehra submits that the two tick marks i.e. on point Nos.(iv) & (viii) of the interview call letter dated 06.12.2017 (Annex P-5) from the Commission to the petitioner were to point out deficiencies to be made good at the time of interview. Apart from these two deficiencies required to be met, Para.3 of the same letter requires the petitioner to bring all the original certificates at the time of interview in support of his claim regarding age, qualifications, date of birth, co-curricular activities, publications etc. and attested copies thereof. Admittedly, Point No.(vi) was not satisfied by the petitioner on the date of interview.

Besides, there was a categorical condition in Note to Para.5 of the advertisement dated 16.02.2016 (closing date 15.03.2016) for recruitment of Assistant Professors indicating that “as mentioned in the proviso of the qualification for the post of Assistant Professor (College Cadre) the candidates concerned are requested to submit a certificate from competent authority with respect to the Ph.D degree awarded to them that awarded Ph.D degree is in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of Ph.D Degree) Regulation, 2009”.

Still further, in the General Clarifications in Para.9 of the advertisement, the eligibility of candidates with regard to qualifications was to be determined as on 15.03.2016 (closing date). However, the Court is given to understand by Mr. Goyal that the date was extended to 10.05.2016 because of intervention of the Minority Commission.

Still further, in the application form, the petitioner had written that he possessed degree of Ph.D in History subject under the faculty of Social Science of the Awadhesh Pratap Singh Vishwavidyalaya, Rewa (M.P.) earned in the year 2015.

The petitioner had plenty of time to have armed himself with the declaration from the University in terms of the advertisement before the interview was expected to be held, but he did not do so till the day of interview and submitted a certificate dated 05.01.2018 (Annex P-10) ex post facto issued by Awadhesh Pratap Singh Vishwavidyalaya, Rewa certifying that the awarded Ph.D degree is in accordance with 2009 Regulations of the UGC, New Delhi.

In the considered view of this Court, it was too late for the petitioner to rely on the certificate of his University after the interview date was over. The petitioner is himself to blame. Doctrine of relation back urged in this case, if applied, would disturb the settled rights of the last candidate selected, who stands appointed and is serving as a teacher. He may have been made party to the present petition, but in view of the lackadaisical approach of the petitioner in not equipping himself beforehand with the necessary certificate to be produced at the time of interview, a condition precedent, this Court would not exercise its discretionary jurisdiction in his favour after the selection process is over. Delay defeats justice.

In view of the above, I find insufficient reasons to intervene in this matter and would deny issuing a writ of mandamus to the respondents to add marks for Ph.D degree to the score of the petitioner.

Accordingly, the petition is dismissed.

24.07.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>