

**CM No.1051 of 2018 in/and  
CWP No.18222 of 2017**

**-1-**

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

**CM No.1051 of 2018 in/and  
CWP No.18222 of 2017  
Date of Decision: 30.01.2018**

Ramji Lal

... Petitioner

Versus

State of Haryana and another

... Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Ms. Sangita Dhanda, Advocate,  
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

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**RAJIV NARAIN RAINA, J.(Oral)**

**CM No.1051 of 2018**

For the reasons mentioned in the application, the same is allowed  
and the date in the main case is advanced to today itself.

**Main Case**

Heard.

The closing date for submission of online applications for filling  
up 912 vacancies of Staff Nurse (Re-advertised) falling in category No.1  
under advertisement No.01/2015 was July 31, 2015. By a corrigendum the  
last date was extended to November 15, 2016 but it was prescribed therein  
that the terms and conditions would be the same as were in the original

advertisement. The essential qualifications for the post of Staff Nurse in the advertisement is as follows:-

*“i) B.Sc (Hons) Nursing or B.Sc (Post Basic) Nursing OR Diploma in General Nursing with Midwife Training from a recognized institute/University;*

*ii) A division Nurse (with midwife training) registered with Haryana Nurses Registration Council.*

*iii) Hindi/Sanskrit upto Matric Standard or higher education.”*

The prescription in Note (ii) is that qualifications and other terms and conditions of eligibility will be determined with regard to the last date fixed for receipt of online applications. Note (ii) is in conformity with the opening paragraph of the advertisement which prescribes that "qualifications/eligibility conditions, age and other documents will be determined with regard to last date fixed to apply online applications also called as closing date i.e. July 31, 2015 given in the advertisement".

The petitioner obtained diploma in General Nursing and Midwifery from the A.S. School of Nursing, Sri Ganganagar, Rajasthan which is a three and half years course from session 2012 to 2016. The final examination was held in June 2016 which is much after the original cut off date, i.e., July 31, 2015. Be that as it may, the petitioner applied for registration with the Haryana Nurses Registration Council on December 23, 2016 and was issued a certificate dated February 22, 2017. The application for registration was made after the extended closing date i.e. November 15, 2016 and, therefore, the petitioner does not fulfill the essential qualifications advertised in the original or in the corrigendum.

It is the argument of Ms. Dhanda that the certificate of registration with the Nursing Council is not required as the same is not mentioned in the

column of documents to be uploaded with the application form and is not one of the causes of rejection of an application contained in the advertisement under the heading “likely causes of rejection of application”. She argues that the case of the candidate could not be defeated if he was able to produce the registration certificate at the time of interview. This is an argument which if accepted, would run counter to the essential qualification and eligibility conditions designed for the post. Degrees and diplomas constitute qualification but eligibility is a larger word which encompasses the condition of registration with the Haryana Nurses Registration Council. When the word “likely” is used in the column of 'causes of rejection' of application the reasons are only illustrative but not exhaustive of the reasons of rejection of candidature.

I would, therefore, not accept the argument of Ms. Dhanda which if accepted will re-open the entire selection as many other people would become eligible for consideration who are registered with the Haryana Nursing Registration Council after the cut off dates.

There is a well accepted rule in law that cut off dates prescribed in direct recruitment processes are sacrosanct and have to be scrupulously obeyed by both the recruiting agencies and the candidates. To this end, Ms. Goyal cites the Division Bench judgment of this Court in Kabal Singh and 29 others v. State of Punjab and another, 1997 (3) SLR 2 and Single Bench in Jyoti Rani v. State of Haryana and others, 2012 (2) SCT 105. Both Benches relied on a large number of judgments of the Supreme Court which are not necessary to be noticed only to add length to this order.

For the foregoing reasons, I find no merit in this petition and

would dismiss it.

(RAJIV NARAIN RAINA)  
JUDGE

30.01.2018  
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*Whether speaking/reasoned*                      *Yes*

*Whether reportable*                              *No*