

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 27.02.2018****CWP No.4740 of 2018**

Mohar Singh & others

...Petitioners

Vs.

Haryana Staff Selection Commission through its Secretary

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Mukesh Yadav, Advocate, for the petitioners.

RAJIV NARAIN RAINA, J. (ORAL)

The three petitioners, in this joint petition, applied for the post of Heavy Vehicle Drivers advertised by the Haryana Staff Selection Commission which selection process is in progress. Petitioner No.1 applied under the category of ESM-SC. He is not an Ex-serviceman. He relies on an eligibility certificate dated 13.12.2017, copy of which is placed at pg.88 of the paper-book, that he is a dependent of an Ex-serviceman. The last date for submitting online applications was 24.06.2017. The rights of Dependent of Ex-Servicemen are governed by the terms of the advertisement as are those who satisfy the tests prescribed in the Haryana Government letter dated 21.11.1980. Petitioner No.1 may be a dependent of Ex-serviceman, but he cannot claim eligibility due to Note-(ii), which provides that qualifications and other terms and conditions of eligibility will be determined with regard to the last date fixed for receipt of online applications. This takes us back to the date 24.06.2017 on which date the petitioner was not armed with a valid eligibility certificate. The argument

advanced that it could be produced even at the time of interview to claim eligibility is a fallacious argument which is only noticed to be rejected. When the terms and conditions in the advertisement are clear and binding, it is well settled that those are to be followed scrupulously and no departure is permitted since the terms and conditions bind both the Recruiting agency and the candidates.

At this stage, Mr. Yadav has pointed out that as far as petitioner No.2 is concerned, his case is based on different grounds and his inclusion in the array of petitioners is a misjoinder of cause of action. Thus, he craves leave of the Court to exclude petitioner No.2 from this order by separating his case.

In view of the above, the instant petition qua petitioners No.1 & 3 is dismissed while petitioner No.2 is granted liberty to file a fresh petition or seek his remedies before the appropriate Forum.

27.02.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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