

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.262

CWP-4920-2018

Date of decision : 11.05.2018

Sandeep

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Kanwal Goyal, Advocate, for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner is a candidate for the post of Heavy Vehicle Driver in the category of Outstanding Sports Persons-General Category. He cleared the written test and was called for scrutiny of documents. At the time of scrutiny of documents, his candidature was rejected for non-production of Sports Gradation Certificate. According to the respondents, the said certificate should have been available as on the last date mentioned in the advertisement.

The petitioner has challenged the rejection of his candidature by way of this writ petition. During its pendency, the petitioner was provisionally permitted to appear for the interview. At the time of interview, he produced a valid Sports Gradation Certificate.

His result has been produced by the learned State counsel in the Court today and the same has been taken on record. The same has been opened by me, seen and examined. The petitioner has secured total 87 marks and the last selected candidate in OSP General category, has secured 78 marks. It is, thus, apparent that the petitioner is entitled to be selected.

The only question that remains to be decided is whether the respondents were justified in rejecting his candidature at the stage of scrutiny of documents?

I have seen advertisement (Annexure P-1), in which a note has been specifically appended that the Sports Gradation Certificate is required to be produced at the time of interview. In view of this stipulation, the respondents were not justified in rejecting the petitioner's candidature at the stage of scrutiny of documents. The tournaments on the basis of which the Sports Gradation Certificate has been issued, were held much prior to the cut-off date prescribed in the advertisement.

Learned counsel for the petitioner also places reliance upon the judgment dated 27.11.2017 (Annexure P-7) passed in CWP-18879-2017 (O&M), wherein this Court has held that so long as, the Sports Gradation Certificate is genuine and the tournaments on the basis of which the same has been issued, have been held prior to the last date provided in the advertisement, a candidate cannot be denied consideration. It is stated that the said judgment has become final as no LPA has been filed against the same. Having accepted the said judgment, it does not behove the State Government to adopt a different parameter in the case of the petitioner.

In view of the above, the writ is allowed. It is ordered that the name of the petitioner be included in the list of successful candidates and he be considered for appointment.

(SUDHIR MITTAL)
JUDGE

11.05.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No