

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

CWP No.5118 of 2018

Date of Decision : 01.03.2018

Mandeep Kumar Gulia and another

.....Petitioners

Versus

Haryana Public Service Commission and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

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

ARUN PALLI, J. (Oral)

A writ in the nature of certiorari is prayed for, to quash the order/letter dated 20.02.2018 (Annexure P-13 (colly)), vide which, the candidature of the petitioners has since been rejected, for, they did not possess the essential qualifications.

The facts that are required to be noticed are limited.

The petitioners competed for selection to the post of Assistant Town Planner in the Town and Country Planning Department, Haryana, pursuant to an advertisement dated 19.12.2015. Concededly, the essential qualifications a candidate was required to possess, for being eligible was/is;

- (1) "A post graduate degree in Urban & Regional Planning/Urban Planning/Regional Planning/M. Tech. in Planning (Urban, Traffic and Transport, Housing, Infrastructure), or equivalent making the holder eligible for associate membership of the Institute of Town Planners, India.**

OR

B.Tech degree in Planning from a recognized Institute/University with two years experience in the field of Town Planning under a qualified Town Planner.

(2) Hindi/Sanskrit upto Matric Standard”.

Further, in terms of the advertisement, the eligibility as regards age, qualifications and other conditions etc. was to be determined on the basis of the last date for submission of online application forms i.e. 18.01.2016. It is not disputed, that the petitioners did not possess the requisite qualifications, on the closing date to submit the application form i.e. 18.01.2016. For, they acquired the post graduate degree only on 8.7.2016. Although, they were issued the admit card to participate in the written examination, but apprehending, that at some stage their candidature shall be questioned, they approached this Court, vide CWP No. 22978 of 2017 (Mandeep Kumar Gulia and others Vs. Haryana Public Service Commission and another), and assailed the conditions in the advertisement as regards cut-off date i.e. 18.01.2016, and prayed for extending the last date for submitting the application forms. But, vide order and judgment dated 7.10.2017, this Court dismissed the said petition. It is not disputed that the said order has since attained finality. For, even the *intra court* appeal preferred against the said order was dismissed on 23.02.2018. But, despite that, the petitioners appeared in the written examination, for, till that time neither the documents of the petitioners were scrutinized nor the respondents were aware of the dismissal of the writ petition filed by the petitioners. And now, when the respondents discovered that the petitioners

were actually in the final year of their post graduation, when they submitted their application forms, and were not eligible, their candidature has since been rejected, vide impugned order/letter dated 20.02.2018 (Annexure P-13 (colly)). And, thus, this petition.

Ex facie, the petitioners did not possess the requisite qualifications on the crucial date i.e. 18.01.2016, therefore, they were wholly ineligible to compete for selection. They failed in their endeavour to assail the date fixed to determine their eligibility. The orders vide which their writ petition as also the LPA was dismissed have since attained finality. Thus, their participation in the selection process was wholly inconsequential. In fact, post dismissal of the earlier petitions, how the petition at hands shall even be maintainable is another issue, which the learned counsel for the petitioner is unable to address.

In conspectus of the above, the only and the inevitable conclusion one could reach is that; the petition lacks both that is bonafides as also the merits. And the same is accordingly dismissed.

01.03.2018

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No