

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6821-2018

Date of Decision: March 19, 2018

Ajay Singh Parmar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Jasbir Mor, Advocate,
for the petitioner.

ARUN PALLI, J. (ORAL)

The petitioner is aggrieved by an order, dated 07.03.2018 (Annexure P-10), vide which his candidature, being a DESM candidate, has since been rejected; ***“ii) That the petitioner has not submitted any valid DESM certificate issued by the competent authority i.e. Zila Sainik Board as mentioned in para 9 of the Information for Candidates of the advertisement. Petitioner has submitted a relationship certificate issued by the office of the Records of Rajput Regiment which does not show whether the petitioner is dependent of ESM of Haryana or not and hence it cannot be considered to be a valid certificate.”***

Concededly, in terms of para 9 of the information for candidates, reflected in the advertisement Annexure P-1, a candidate claiming to be a Dependent of an Ex-serviceman, was required to submit the latest eligibility certificate, issued by the Zila Sainik Board, Haryana, in support of his claim. Concededly, neither the petitioner append the requisite certificate with his application form nor produced any even at the time of

by the Rajput Regiment, which too did not substantiate his claim; that he was a Dependent Ex-serviceman of Haryana. In reference to the note and the corrigendum, dated 10.07.2017 (Annexure P-2), vide which the closing date to submit on-line applications, was extended to 31.07.2017, it is urged that the candidates could even submit copies of their application forms, certificate etc., even at the stage of interview. And, since the petitioner had obtained the eligibility certificate by the time the interviews were held, the respondents ought to have considered his candidature.

Before I proceed further, it would be apposite to refer to the note, as indicated above, which reads thus:

“(Note:- The candidates are advised/directed to retain the hard copies of their online application form with them so that they should not face any problem in sending the hard copy to the Commission as and when required by the Commission at later stage within the specified period. This would be required from only those candidates who qualify for the interview. In case the candidate fails to submit the hard copy of the application form alongwith all documents relating to his claim in the application form e.g. age, category, domicile, experience, etc. The candidature of such applicant shall not be considered in the further selection process and would be liable for being placed as not qualified for interview and thereby rejected.)”

Ex facie, the note, as referred to above, holds significance in relation to the candidates who qualified for the interview. It required the

candidates to retain the hard copies of their online application form, eligibility certificates etc., to be submitted at the time of interview, for in the event of default, their candidature was liable to be rejected. Concededly, neither did the petitioner append the requisite certificate alongwith his application form nor he qualified for interview. Not just that, the petitioner actually obtained the eligibility certificate (Annexure P-13) on 08.03.2018, i.e. post interview, that was held on 07.03.2018. But despite that, the respondents being considerate, considered the candidature of the petitioner even in the General category, but he did not fall within the zone of successful candidates, who qualified for interview. Concededly, the process of selection has been concluded and even the appointments have since been made. Thus, in the circumstances, no ground is made out to interfere in the exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India. The petition being devoid of merit, is dismissed.

(ARUN PALLI)
JUDGE

March 19, 2018

Pk Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO