

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

LPA No. 833 of 2018 (O&M)

Date of Decision: 17.07.2018

Sarabjit Singh

.....Appellant

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. D.S.Kahlon, Advocate, for the appellant.

KRISHNA MURARI, C.J.(oral)

This intra-court appeal filed under Clause X of the Letters Patent is directed against the judgment and order of the learned Single Judge dated 17.05.2018 dismissing the writ petition filed by the petitioner challenging rejection of his candidature for appointment to the post of Lecturer (History).

2. Facts in brief relevant for the purposes of the case can be summarized as under:-

The Directorate Education Recruitment of the Punjab Education Department issued an advertisement dated 20.11.2015 inviting applications to fill up the post of Lecturer Hindi. Petitioner was also one of the applicants. He appeared in the written examination which consisted of two papers which were scheduled on 14.02.2016 and 15.02.2016 respectively. While appearing in Paper-II, the appellant-petitioner failed to fill in Column No.8 in a hurry on account of which his name did not figure in the list of successful candidates. The same was challenged by him by filing Civil Writ Petition No. 6198 of 2016 with a prayer to evaluate his answer sheet of Paper-II as the same was not evaluated being incomplete. The writ petition

was disposed of by this Court vide order dated 09.05.2016 by directing that the appellant-petitioner's OMR sheet of paper-II be treated as valid.

3. In compliance of the aforesaid direction issued by this Court, the petitioner received a message to attend the selection procedure for counseling which was scheduled on 18.05.2016. It is the own case set up by the appellant-petitioner that he appeared in counseling and submitted all the documents, as was required, except for degree of B.Ed. He sought exemption from submitting a degree of B.Ed. on the ground that the university has not provided the same.

4. Admittedly, the Recruitment Directorate had issued a public notice dated 21.03.2016 for scrutiny of documents for these posts and the candidates were required to be personally present for scrutiny of documents which included degree of B.Ed. It may be pertinent to mention at this stage that B.Ed. degree from a recognized university was one of the basic qualifications required for the said post. The candidature of the appellant-petitioner for appointment was not considered during counseling on account of his failure to produce the requisite document i.e. B.Ed. degree.

5. It was the case set up by the appellant before the learned Single Judge and the same has been argued before us that as a matter of fact he possessed the requisite qualification i.e. B.Ed. degree but for no fault of his it could not be produced at the time of counseling as the university has failed to provide the same.

6. The public notice issued by the respondents required the candidate to produce relevant documents on the date fixed for counseling to demonstrate that they possessed the prescribed qualification. Thus, there was a cut of date. The cut of date prescribed is sacrosanct and there is a purpose attached to it. It is well settled that recruitment to public service should be

held strictly in accordance with the terms of the recruitment rules, if any. The deviation from the rules allows entry to ineligible persons on one hand and on the other hand deprives many other similarly situated persons who could have competed for the posts but did not do so for not possessing necessary qualification or the documents on the prescribed cut of date. This would result in complete arbitrariness and thus would be violative of Article 14 of the Constitution of India.

7. An advertisement or notification issued/published prescribing conditions for appointment constitutes a representation to the public and the authority issuing it is bound by such representation and it cannot act contrary to the same. In the admitted factual scenario in the case in hand that on the cut of date prescribed for counseling the appellant was not having B.Ed. degree and thus cannot be held to possess the requisite necessary qualification for being appointed.

8. In view of the undisputed factual position and the settled legal position on the issue, no exception can be taken to the rejection of the candidature of the appellant-petitioner. Learned Single Judge rightly dismissed the writ petition and we do not find any error in the impugned judgment which may require interference.

9. The appeal is thus devoid of merits and accordingly stands dismissed in limini.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

17.07.2018
ravinder

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