

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.15934 of 2018

Date of Decision: August 27, 2019

Manoj Kumar

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. R.N.Lohan, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G.Haryana,
for the State.

AMIT RAWAL, J. (Oral)

The short point involved in the present writ petition is whether the petitioner, who is stated to have applied for the post of Driver under the Outstanding Sports Persons-General (for short, OSP-General), can be considered for appointment in the absence of sports gradation certificate, though obtained later.

In order to answer the question, it would be in the fitness of things to give brief preface of the facts.

In pursuance to the advertisement No.4/2017 dated 18.05.2017 (Annexure P-1), Haryana Staff Selection Commission caused an advertisement for filling up various posts under different categories. Petitioner considering himself to be eligible and qualified for the post of Heavy Vehicle Driver applied under the category of OSP-General as he had obtained 3rd position in the North Zone Inter University Kabaddi

Championship.

Mr. R.N.Lohan, learned counsel representing the petitioner submitted that though the petitioner obtained 106 marks in the written examination, but did not have the gradation certificate, which was obtained on 19.03.2018, i.e., beyond the cut off date, thus, the case of the petitioner could have been considered under the general category as the eligibility conditions of the advertisement do not debar him from the consideration except certain terms and conditions which would not strictly apply to the present case.

Per contra, Mr. Hitesh Pandit, learned Additional Advocate General, Haryana for contesting respondent No.3- Haryana Staff Selection Commission submits that 2038 posts of Heavy Vehicle Driver under Category-1 were sought to be filled with the educational qualification as under:-

“E.Q.

- i) Matric*
- ii) Should hold driving license of heavy transport vehicle with three years experience of driving heavy transport vehicle.*
- iii) Should have passed the driving tests conducted by the Haryana Staff Selection Commission.*
- iv) Should not be a colour blind.*
- v) Knowledge of Hindi/Sanskrit up to Matric Standard or higher education.”*

The scrutiny of documents form (Annexure R-3/1) of the petitioner reveals that he had given an undertaking that all statement made in the format regarding educational qualification and experience is correct, but OSP certificate was not attached and, therefore, was not found suitable and, thus, prayed for dismissal of the writ petition.

I have heard the learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions of the learned counsel for the petitioner.

The eligibility condition cannot be read in isolation, but with other terms and conditions mentioned in the advertisement. It would be in the fitness of things to extract relevant portion of the same, which read thus:-

“Qualification/eligibility conditions, age and other documents will be determined with regard to last date fixed to apply online applications also called as closing date i.e. 24.06.2017 given in the advertisement. The details of the posts are as under:-

xxx

xxx

xxx

DOCUMENTS TO BE UPLOADED WITH APPLICATION FORM

- i) *Scanned copy of Essential Qualifications i.e. Matric showing Date of Birth and mark sheet of 10+2/Gradation/Diploma/Degree etc.*
- ii) *Scanned copy of Sport Gradation Certificate in case of Outstanding Sports Persons duly signed by the Competent Authority.*
- iii) *Scanned copy of Haryana Domicile Certificate in case of BCA/BCB/SC/EBPG/ESM/DESM/DFF and women issued by competent authority.*
- iv) *Copy of challan/credit certificate issued by Treasury/e-challan as the case may be, in case of candidates who have applied earlier.*
- v) *Scanned photographs duly signed by the candidate.*
- vi) *Scanned signatures of the candidate.”*

The last date for eligibility was 24.06.2017, whereas the gradation certificate (Annexure P-6) is dated 19.03.2018. On perusal of (Annexure R3/1), i.e., scrutiny of documents, it was found that the petitioner

was not eligible as the gradation certificate was not attached.

In view of what has been observed above, the action of the respondents in declining the candidature of the petitioner cannot be said to be either illegal or erroneous or arbitrary. Resultantly, the writ petition is dismissed.

August 27, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No