

Sr. No.110

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

CWP No. 31145 of 2019 (O&M)

Date of Decision: 29.10.2019

Sumit Kumar and others

... Petitioners

Versus

Food Corporation of India and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Satnam Sishodia, Advocate for
Mr. Ravinder Malik (Ravi), Advocate,
for the petitioners.

ARUN MONGA, J.

Inter alia, issuance of a writ in the nature of certiorari has been sought to quash an advertisement No. 02/2019-FCI Category-II (Annexure P-1) issued by Food Corporation of India, wherein cut off date for prescribed qualifications to the post of Manager (Accounts) has been provided as 01.08.2019.

2. Having heard learned counsel for the petitioners and on perusal of the contents of the writ petition along with Annexures appended thereto, I am of opinion that writ petition is devoid of merit and deserves to be dismissed.

3. The grouse of the petitioners is that they are eligible to be considered for the post of Manager even though they qualified/passed an MBA on 07.10.2019 and 25.09.2019 after the cut off date but since the same is prior to the last date for submission of the applications, therefore, they have been wrongly

held ineligible to apply.

4. The issue of relevancy of cut off date is no more res integra. Reference may be had to a decision rendered by the Apex Court in case titled as ***Alka Ojha Vs. Rajasthan Public Service Commission reported as (2011) 9 SCC 438***. Relevant whereof is reproduced hereinbelow:-

“13...(i) that the cut-off date by reference to which the eligibility requirement must be satisfied by the candidate seeking a public employment is the date appointed by the relevant service rules and if there be no cut-off date appointed by the rules then such date as may be appointed for the purpose in the advertisement calling for applications; ii) that if there be no such date appointed then the eligibility criteria shall be applied by reference to the last date appointed by which the applications have to be received by the competent authority.”

5. It is well settled that eligibility condition has to be seen as on the cut off date and not on the last date of submission of application form. In case, the contention of the petitioners is accepted, it will create an uneven level playing field as all those candidates whose candidature has been rejected on the ground of cut off date would be meted out with a hostile discrimination. Like the petitioner, there will be many more persons, who would have attained requisite eligibility after the cut off date and for no fault of theirs, they will be deprived of the opportunity to apply for the post.

6. In the aforesaid premise, candidature of the petitioners was rightly rejected since on the cut off date i.e. 01.08.2019, they

did not have prescribed qualifications, having qualified their MBA on 07.10.2019 and 25.09.2019.

7. In view of my aforesaid discussion and reasoning contained therein, writ petition is dismissed.

29.10.2019
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No