

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

LPA-2022-2019 (O&M)

Date of decision:- 17.12.2019

Sunil Kumar

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHARMA

Present:- Mr. Abhilaksh Grover, Advocate,
for the appellant.

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RAVI SHANKER JHA, C.J. (ORAL)

This appeal has been filed by the appellant being aggrieved by an order dated 01.11.2019 passed in CWP-3405-2019, whereby the petition filed by the petitioner claiming consideration for appointment on the post of Sub Inspector was dismissed and the result of the selection, as far as the appellant is concerned, was withheld.

Learned counsel for the appellant submits that the appellant was fully qualified for appointment to the post of Sub Inspector and duly applied for the same as per the selection procedure prescribed by the Haryana Staff Selection Commission. It is submitted that the advertisement was issued on 16.04.2018 and the last date for submission of online applications was 28.05.2018. Learned counsel for the appellant submits that the appellant could not upload the eligibility certificate relating to consideration of his case as the dependent of an ex-serviceman on account of a technical fault in the computer. It is stated that as the appellant could not upload the eligibility certificate, though he was permitted to

appear in the selection process, his selection was withheld. Learned counsel for the appellant submits that subsequently by an interim order, this Court permitted the appellant to participate in the physical verification and other tests and the appellant has secured better marks than respondent No. 3. It is submitted that the learned Single Judge by the impugned order has ultimately dismissed the petition on the ground that the appellant was required to upload all the necessary documents and certificates online by the last date permitted i.e. 28.05.2018 and as the appellant had failed to do so, he could not be directed to be considered for appointment on the post.

It is submitted that the aforesaid finding recorded by the learned Single Judge is perverse and erroneous inasmuch as the appellant could not upload the eligibility certificate on account of a technical fault and in such circumstances, as the appellant was eligible as on the last date of filling up the online form and possessed all the necessary documents, subsequent production of the same could not debar his consideration for appointment.

We have heard learned counsel for the appellant at length.

From a perusal of the advertisement (Annexure P-1), it is evident that the closing date for submission of the online applications was 28.05.2018. It is further evident from the clear stipulation in the advertisement that the qualification/eligibility conditions were to be determined with regard to the last date fixed for filling up the online applications i.e. 28.05.2018 and that no candidate who does not fulfill the qualification/eligibility condition on the cutoff date need to apply or shall be considered. There is a clear

stipulation in the advertisement that all the certificates issued and relied upon by the applicants should be dated prior to the cutoff date. In the instant case, the eligibility certificate (Annexure P-7) on the basis of which the appellant is seeking appointment has been issued by the authorities on 31.08.2018 i.e. much after the cutoff date for appointment to the post i.e. 28.05.2018.

In view of the aforesaid facts and circumstances of the case, it is apparent that the appellant did not possess the eligibility certificate on the last date of filling up the online form. The question of the appellant not being able to upload the eligibility certificate on account of a technical fault, therefore, does not arise as the appellant did not possess the same on the closing date for submission of the online applications i.e. 28.05.2018.

We do not find any illegality in the order passed by the learned Single Judge dismissing the writ petition.

The appeal filed by the appellant being meritless is accordingly dismissed.

Since the main appeal itself has been dismissed, no order is required to be passed in the pending miscellaneous application(s), if any.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(RAJIV SHARMA)
JUDGE

17.12.2019
Amodh

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