

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 9647 of 2019

Date of Decision: December 07, 2020

Happy

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTALPresent: Mr. Jasbir Mor, Advocate
for the petitioner

Mr. Narender S. Behgal, AAG Haryana

Sudhir Mittal, J. (Oral)

The petitioner applied for the post of Male Constable in General Category. Date of advertisement is 16.04.2018. Minimum qualification prescribed is 10+2. The grievance of the petitioner is that he has not been given benefit of 4 marks for Graduation which was erroneously not mentioned in the application form although the degree was shown at the time of scrutiny of documents. He has secured 56.20 marks and in case he gets an additional four marks for Graduation, his total would increase to 60.20 whereas the last selected candidate has secured 57.60.

The last date for submitting the applications was 28.05.2018 which was extended upto 22.10.2018. The petitioner took his final year examination of Graduation in May 2017 and the detailed mark sheet for the said examination is dated 27.06.2018. Degree issued by the University is dated 30.09.2018. It is further submitted that some other candidates also did not mention qualification of graduation in their application forms but were given four marks for the same.

Examples have been placed on record vide Annexures P-13 and P-14.

Learned State counsel argues that according to Note (ii) of advertisement at page 52, Qualifications and other terms and conditions of eligibility were to be determined with regard to the last date fixed for receipt of online applications. The petitioner applied vide application dated 28.05.2018 and, thus, the Graduation certificate of September 2018 could not be considered.

Undisputedly, the last date for submission of applications was extended to 22.10.2018. Note (ii) at page 52 also states that qualification and other terms and condition of eligibility have to be determined with regard to the last date fixed for receipt of online applications. Since the last date had been extended, the qualification as on 22.10.2018 should have been considered. The petitioner is, thus, entitled to grant of additional four marks for his Graduation degree. His total is, thus, liable to increase to 60.20 marks.

The final result deserves to be modified accordingly and the writ petition deserves to be allowed.

December 07, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No