

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

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(PROCEEDINGS THROUGH V.C.)

**CM-2177 TO 2179-LPA-2020 &
LPA-787-2020**

DATE OF DECISION: NOVEMBER 05, 2020

The Haryana Staff Selection Commission, Panchkula

.....Appellant

VERSUS

Priyanka and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-2177-LPA-2020

Application is allowed as prayed for subject to all just exceptions.

Exemption is granted from filing certified/true typed copies of the documents as mentioned in the application.

CM-2178-LPA-2020

Prayer in this application is for condonation of delay of 34 days in filing the appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit of the Secretary (Legal), Haryana Staff Selection

Commission, Panchkula, the same is allowed and delay of 34 days in filing the appeal stands condoned.

CM-2179-LPA-2020 & LPA-787-2020

Challenge in this appeal is to the order dated 13.01.2020 passed by learned Single Judge, whereby the writ petition preferred by the petitioner (respondent No.1 herein) has been allowed on the ground that EBPGC certificate dated 29.08.2016, which is subsequent to the cut off date prescribed i.e. 12.10.2015, was unacceptable, leading to rejection of candidature of the petitioners for appointment to the PGT (Mathematics) Category 10 under the EBPGC.

It is the contention of learned counsel for the appellant that when in the advertisement itself it was specifically mentioned that cut off date with regard to possession of certificate of eligibility by a candidate would be 12.10.2015, respondent No.1, at the time of scrutiny of the documents, was required to produce the certificate, which would be relevant on the basis of said cut off date. Respondent No.1 having not produced the relevant certificate at the time of scrutiny of the documents and rather producing the EBPGC certificate of a subsequent date i.e. 29.08.2016, the rejection of candidature of respondent No.1 (petitioner in the writ petition) was fully justified. She, however, could not dispute the fact that certificate dated 21.06.2014, produced by respondent No.1 before the Court belonging to EBPGC category was valid and its authenticity was not disputed. She, however, submits that because the certificate, which has been produced by respondent-petitioner, was subsequent to the cut off date, irrespective of the fact that she was possessing a valid certificate of EBPGC category well before the cut off date, the same could not have been accepted by the

learned Single Judge and, therefore, the judgment cannot sustain.

This contention of learned counsel for the appellant cannot be accepted in the light of the fact that the valid certificate dated 21.06.2014, which has been produced by the petitioner, although not produced at the time of scrutiny of the documents, is prior to the cut off date and, therefore, the non-production of the said certificate merely at the time of scrutiny of documents instead of producing a certificate, which was of the subsequent date than the cut off date, cannot in itself be a ground for rejecting the candidature, when a valid document is available with the candidate, which fact is not disputed by the appellant. It is also not disputed that had respondent No.1 produced the EBPGC certificate dated 21.06.2014 at the time of scrutiny of documents, she would have been eligible and her candidature would have been accepted. It is important to mention here that the respondent-petitioner belonged to EBPGC category on the last date of submission of the application form and still continues in the same category, which fact is not disputed by the appellants. The only ground for rejection of her claim is non-production of a certificate, which appears to be unjustified. In these circumstances, the equitable jurisdiction exercised by the learned Single Judge as conferred under Article 226 of the Constitution of India, cannot be said to be without any basis or justification, especially when the petitioner is a meritorious candidate and had obtained 102 marks whereas the last candidate selected in the EBPGC had secured only 70 marks. Such meritorious candidate, because of a super technical and superficial objection of the appellant, cannot be permitted to be denied her right to appointment to the post. The order passed by the learned Single Judge, being based upon the facts and circumstances of a particular case,

cannot be faulted with.

In the light of the above, finding no merit in the appeal, the same stands dismissed.

Since the main appeal stands dismissed, no orders are required to be passed on C.M. No.2179-LPA-2020.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 05, 2020
khurmi

(ASHOK KUMAR VERMA)
JUDGE

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