

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

124

LPA-861-2021 (O&M)
Date of Decision: 24.11.2021

Radhe Shyam

... Appellant

VS.

State of Haryana & Ors.

... Respondents

Coram: Hon'ble Mr. Justice M.S. Ramachandra Rao
Hon'ble Mr. Justice Jasjit Singh Bedi

Present: Mr. Vikram Sheoran, Advocate for the appellant

M.S. Ramachandra Rao, J. (Oral)

(1) This Letter Patents Appeal has been preferred against the order dated 16.09.2021 passed by the learned Single Judge in CWP-7967-2021.

(2) The appellant had applied for appointment to the post of Art and Craft Teacher vide Advertisement No.6/2006 issued by the Haryana Staff Selection Commission on 20.07.2006.

(3) For the said post, the qualifications prescribed were that a candidate should possess (a) matriculation from Haryana School Education Board or an equivalent qualification recognized by the Haryana School Education Board; and (b) should have two-year Diploma in Art and Craft Examination conducted by the Haryana Industrial Training Department or an equivalent qualification recognized by the Haryana Education Department.

(4) The advertisement specifically stated that the candidate applying for the post must ensure that he fulfills all the eligibility conditions on the last date of application. The last date of application was fixed as 21.08.2006.

(5) The appellant contends that he has produced the Diploma Certificate issued by the Punjab State Board of Technical Education and Industrial Training along with marks memo which indicated that the

certificate was issued on 10.11.2006, but the appellant was found ineligible during scrutiny of documents held between 01.03.2021 to 03.03.2021 on the ground that the said Diploma certificate produced by the appellant did not indicate the result date.

(6) Counsel contends that the examination was held in July, 2006 and the result was declared on 10.11.2006 and the appellant should be taken to have possessed the eligible qualification on the date of examination held in July, 2006 though the result was actually declared later.

(7) We do not agree with the said contention because as per the terms of the advertisement dated 19.07.2006, the appellant is required to possess the qualification as on 20.08.2006, and in the instant case, the qualification was acquired by the appellant when the result was declared on 10.11.2006 i.e. much later. The advertisement did not permit a candidate, who had appeared in the examination before the cut-off date, and whose results were declared subsequently, to be treated as eligible. Moreover, the actual Diploma Certificate issued to the appellant, as held rightly by the learned Single Judge, did not give any detail as to when the candidate passed the examination and when the examination was held.

(8) This was the ground taken by the respondents in the reply filed to the writ petition for holding the appellant ineligible. They had specifically contended that no date of issuance of certificate/DMC is mentioned on the Diploma certificate produced by the appellant at the time of scrutiny of documents and the document for purpose of determining eligibility is required to have date of issuance on it. Without such date, the eligibility of a candidate cannot be determined.

(9) Counsel for the appellant placed reliance on the order dated 07.01.2009 in CWP-16214-2008 (Sunita & Anr. Vs. Haryana Staff Selection Commission & Anr.) to contend that this Court had rendered a decision in regard to the candidates who were above 17 years of age but below the age of 18 years for the same examination and who had approached this Court contending that the minimum age prescribed in the advertisement was 18 years as on 21.08.2006 while the rules prescribed the minimum age as 17 years. In that case, there was a corrigendum issued by the respondents correcting the age and permitting such persons who had consequently been rendered eligible to apply by 10.12.2008. Learned Single Judge, who decided the said writ petition, held that for such candidate, the cut-off for all purposes would be 10.12.2008.

(10) The appellant herein cannot place reliance on the said case since it is not the case of the appellant that he was aged below 18 years as on 21.08.2006 and the corrigendum issued in that case would apply to him.

(11) We, therefore, do not find any merit in the present LPA and the same is accordingly dismissed.

(12) The accompanying applications, if any, shall also stand disposed of accordingly.

(M.S. Ramachandra Rao)
Judge

24.11.2021
Vvishal

(Jasjit Singh Bedi)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No