

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

**LPA No.571 of 2022(O&M)
Date of decision: 14.07.2022**

Sharwan Kumar

... Appellant

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Naveen Kashyap, Advocate,
for the appellant.

ARUN PALLI, J.

This is an intra-court appeal, under Clause X of the Letters Patent, against an order and judgment dated 18.05.2022, vide which the petition filed by the appellant has since been dismissed.

Learned counsel for the appellant submits that vide advertisement dated 28.06.2015, the Haryana Staff Selection Commission invited online applications for selection to the post of Post Graduate Teachers (PGT) H.E.S. II (Group-B Services). The appellant applied pursuant to the said advertisement and competed against 179 posts of PGT Punjabi. It is urged that in terms of the eligibility criterion, a candidate was required to possess a Masters degree in Punjabi with at least 50% marks and B.Ed. from a recognized University. He submits that though he had qualified M.A. (Punjabi) with 3rd division in 2012 but thereafter to improve his score, he took improvement exams. In reference to the revised Detailed Marks Certificates (DMCs) issued for semesters I, II & III, and his original score in

4th semester, he submits that he had obtained 2nd division in M.A. Punjabi and, therefore, he was eligible to compete for the posts in question. It is submitted that the learned Single Judge merely referred to the composite DMC of all the four semesters which, although, shows the appellant to have qualified M.A. Punjabi in 2nd division but since that was issued on 04.11.2015, it was concluded that the said certificate having been issued post the last date for submission of the application form i.e. 21.09.2015, the candidature of the appellant was rightly rejected by the authorities. He submits, what appears to have been overlooked by the learned Single Judge was/is that the revised DMCs of the first three semesters were issued prior to the closing date of submission of his application form and clubbed with his original score in the 4th semester, and the appellant had concededly scored more than 50% marks. Thus, the impugned judgment was unsustainable.

We have heard learned counsel for the appellant and perused the record.

Concededly, for a candidate to be eligible to compete for selection to the post of PGT (Punjabi), he was required to have qualified M.A. Punjabi with at least 50% marks. There is no dispute either that the appellant had qualified M.A. Punjabi in 3rd division in August, 2012. It would be opposite to point out, at this stage, that in terms of the advertisement (page 49 of the paper book), a candidate who did not possess the requisite academic qualification on cut-off date, his/her candidature was liable to be rejected. The last date for submission of application form was 21.09.2015, thus, in terms of his Detailed Marks Certificate for all four semesters dated 27.08.2012, he was ineligible to compete for the post in question. The argument that post improvement examination, the appellant

had improved his score and the **revised** DMCs of each of the semester appended with the petition show that he had obtained more than 50% marks, would not advance his cause either. For, this was never the case set out by the appellant that he had appended the **revised** DMCs of I, II & III semester examinations and the original score in 4th semester along with his application form.

Be that as it may, assuming the appellant had appended the **revised** DMCs with his application form, still analysis of the **revised** DMC (P-5 Colly.) for the 3rd semester dated 25.03.2014 indicates that it was provisional. And, even if the respondent authorities were to consider this revised provisional 3rd semester DMC along with the other semesters' improved results, had the revised results been appended with the application form, the division, if calculated by adding up score, still comes out to be 3rd. Meaning thereby that the documents annexed by the appellant (P-5 Colly.) do not support the contention that the appellant was able to score the required 50% marks in MA Punjabi before the cut-off date by giving improvement exams. Further, no composite DMC for all the four semesters was placed before the authorities prior to the last date showing the appellant to have acquired the essential eligibility qualification with more than 50% marks. Whereas, though the document relied upon by the appellant, and referred to by the learned Single Judge, is the composite DMC for all the four semesters, showing the appellant to have qualified M.A. Punjabi in 2nd division, but that was issued on 04.11.2015 i.e. after the cut-off date. The appellant has also sought to rely upon another certificate dated 07.02.2019 (A-1) issued by the Kurukshetra University, which shows that he had appeared for improvement in M.A. Punjabi 3rd semester examination. The

result was declared on 25.03.2014. Whereafter, the **revised** DMC for the 3rd semester and a consolidated DMC of all the four semesters was prepared on 04.11.2015. But again that would not improve his case. Firstly, the said document never formed part of the record before the writ court. And, even if, the result of the improvement examination for the 3rd semester was declared on 25.03.2014, the fact remains that DMC for the said semester as also the consolidated DMC for all of the four semester was issued on 04.11.2015 i.e. after the last date for submission of the application form.

In the wake of the above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned Single Judge. The appeal being bereft of merit is, accordingly, dismissed.

(Ravi Shanker Jha)
Chief Justice

(Arun Palli)
Judge

14.07.2022

Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO