

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

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CWP-21167-2022

Date of decision : 16.09.2022

Gurdeep Kumar and others

... Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Naresh Kumar Ganga, Advocate for the petitioners.

Anupinder Singh Grewal, J. (Oral)

The petitioners are seeking a direction to the respondents to conduct their interview and consider their candidature for the post of Assistant Professor (Law).

Learned counsel for the petitioners submits that the petitioners had applied for the post of Assistant Professor in BC-A category. They had submitted BC-A certificates (non-creamy layer) along with their application forms. The petitioners had gone for the interview and were asked to submit the latest certificates issued within the last six months of the date of receipt of applications. The petitioners had submitted the requisite certificates after two days but they were neither interviewed nor their candidature was considered by the respondents.

Issue notice to respondents No.1 to 3 only at this stage.

At the asking of the Court, Mr. Anant Kataria, DAG, Haryana, accepts notice on behalf of respondent No.1.

Mr. Amarjit Singh Virk, Advocate has put in appearance on behalf of respondents No.2 and 3 and submits that it was specifically stipulated in condition No.20 of the advertisement (Annexure P-1) that BC-A certificate had to be issued by the competent authority dated not before six months of the last date of receipt of applications. As the petitioners could not bring the latest BC-A certificate at

the time of interview, they were not interviewed. All the eligible candidates have been interviewed on 28.08.2022 and the final result has also been declared.

Heard.

Condition No. 20 of the advertisement (Annexure P-1) is reproduced hereunder:-

“Backward class Block (A &B) candidates claiming benefit of reservation have to upload a certificate issued by the competent authority of Haryana dated not before six months of the last date of receipt of applications mentioning therein that he/she is not covered under the criteria of creamy layer as per State Government Instructions issued vide letter No.1170-SW(1)-95 dated 07.06.1995 & No.213-SW(1)-2010 dated 31.08.2010, No.22/22/2004 3 GS-III dated 14.06.2016, No.1282-SW(1) dated 28.08.2018 and No.512-SW(1) 2021 dated 01.12.2021 as per Annexure-IV.”

It is manifest that the BC-A certificate had to be issued not before the six months of the last date of receipt of applications. The certificates, which the petitioners had submitted, had been issued much prior to the last date of receipt of applications. The rationale behind this condition appears to be that the current financial condition of the family should be forthcoming so as to entitle the candidates for the benefit of reservation under the non-creamy layer. The petitioners could not submit the certificates even at the time of interview. The other candidates were interviewed and have already been selected.

Consequently, I do not find any merit in this petition at this stage which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

September 16, 2022
sonia gugnani

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