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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20816-2022

Date of decision : 16.09.2022

SHRUTI SINGLA

..... PETITIONER

VS

STATE PUBLIC SERVICE COMMISSION AND ORS.

..... RESPONDENTS

CORAM : HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ALOK JAIN

Present :- Mr. Amit Jhanji, Sr. Advocate with
Ms. Zaheen Kaur, and Mr. Abhishek K. Premi, Advocates
for the petitioner.

Ms. Harpriya Khaneka, Advocate
for the Haryana Public Service Commission.

AUGUSTINE GEORGE MASIH, J. (Oral)

On 13.09.2022 when the case had come up for consideration, following
order was passed:-

*“Learned counsel for the Commission prays for a short
accommodation to file an affidavit highlighting the aspect with
regard to the stand of the Haryana Public Service Commission as
the point for consideration before this Court in the present case
is that there being no specification in the advertisement or the
corrigendum that the certificate should have been issued for a
candidate belonging to the Economically Weaker Section prior to
the last date of receipt of the applications, which was 15.09.2021,
whereas in the present case, although the certificate has been
issued on 13.12.2021 but it is for the academic year 2021-22.*

*List for further consideration on **16.09.2022.***

In pursuance to the above order, affidavit of the Deputy Secretary, Haryana Public Service Commission dated 16.09.2022 has been filed in Court, where the stand taken in Para 9 is as follows:

“That it is submitted herein that the averment made by the Petitioner that the closing date of 15.09.2021 was not incorporated in the Advertisement dated 13.01.2021 or Corrigendum dated 13.08.2021 is liable to be rejected, since the said date was been clearly reflected in the Corrigendum, and even more specifically with respect to determination of eligibility under the EWS category. The Petitioner having applied in pursuance to the Corrigendum dated 13.08 2021, she was fully aware of such cutoff date for determination of her eligibility under the EWS category, despite that she failed to procure and submit the requisite Certificate and on the contrary she submitted a Certificate issued in 2016, which is prior in time to the Haryana Government Instructions and thus the same could not be considered valid in terms of the Advertisement”.

A perusal of the above would indicate that the fact with regard to there being any mention that the certificate should have been issued prior to the cut-off date fixed, which was treated as a closing date for receipt of the application had not been mentioned in the advertisement nor was it so mentioned in the corrigendum, which was subsequently issued, enhancing the last date of receipt of the application. It has not been disputed that the certificate issued on 13.12.2021 to the petitioner was valid for the year 2021-22 (Annexure P-8) and there is also an earlier certificate issued in favour

of the petitioner dated 28.06.2016, Annexure P-4, which highlights the aspect that all through the petitioner had been belonging to the economically backward person category. We do not find the stand, as has been taken by the respondent for rejecting the application of the petitioner, justified and therefore, set aside the impugned order dated 08.09.2022 (Annexure P-15). The petitioner is, therefore, found eligible for consideration of her claim with regard to her being called for the *viva voce* examination. Rest of the process be taken at the end of the respondent, as early as possible but in any case, prior to the last date of conclusion of the interviews.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ALOK JAIN)
JUDGE

16.09.2022
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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No