

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

CWP-22248-2020 (O&M)

Date of decision: March 31, 2022

Rohit Dhull

....Petitioner

versus

Haryana Staff Selection Commission

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Pardeep Solath, Advocate for the petitioner.

Mr. R.K.S. Brar, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

This is second foray of petitioner before this Court, *inter alia*, seeking issuance of a writ in the nature of Certiorari to quash the impugned order dated 05.10.2020 (Annexure P-9) passed by the respondent whereby candidature of the petitioner was rejected on the ground that his disability certificate was issued after cut-off date of the advertisement.

2. Succinct facts first. Pursuant to an advertisement No.5/2019 dated 20.06.2019, petitioner applied for the post of Clerk in the category of Person with Disability (Autism & multiple disabilities). He was issued roll number. Written examination for the post in question was conducted on 21.09.2019 and the petitioner qualified the same.

3. Later on, petitioner compared his answers with the answer key and found that he had secured 63 marks. Respondents declared final result dated 03.09.2020 and the last selected candidate in the category in which the petitioner applied was shown to have got 47 marks. However, the name of the

petitioner did not figure in the aforesaid final result. Petitioner approached the respondents and submitted his application dated 07.09.2020 for correction in the final result. Petitioner also submitted online complaint on the even date, but he did not receive any response.

4. At last, petitioner preferred CWP-15138-2020, which was disposed of vide order dated 23.09.2020 directing the respondents to decide the representation of the petitioner within a period of 2 months. On 05.10.2020, respondents rejected the candidature of the petitioner on the ground that disability certificate of the petitioner issued on 14.09.2019 by the Medical Authority, Rohtak, is after cut-off date i.e., 08.07.2019.

5. Learned counsel for the petitioner submits that the petitioner applied for the disability certificate on 24.04.2019 and the advertisement in question was issued on 20.06.2019. The last date for submission of application form was 13.08.2019. The medical authorities issued disability certificate to the petitioner on 14.09.2019. Result of written examination was declared on 18.12.2019. Subsequent thereto, scrutiny of documents was held on 15.01.2020. He submits that petitioner had applied for the disability certificate to the medical authority much prior to the issuance of the advertisement in question i.e. on 24.04.2019.

6. Learned counsel for the petitioner further submits that the approach of the respondents in rejecting the candidature of the petitioner on the ground of issuance of disability certificate after the cut-off date is totally misdirected and not sustainable. In support of his contention, he relies on the judgment of this Court dated 08.01.2020 rendered in **CWP-5198-2018 titled as Ram Murti versus State of Haryana and others.**

7. Learned State counsel opposes the contentions raised by learned counsel for the petitioner and submits that if the certificate dated 14.09.2019 appended by the petitioner is accepted, it will violate the sanctity of the cut-off date.

8. I have heard learned counsel for the parties and perused the record.

9. The facts of the case are not in dispute. Petitioner had concededly applied for the disability certificate on 24.04.2019, i.e. much prior to the issuance of the advertisement dated 20.06.2019, whereas, the said certificate was issued to him on 14.09.2019. I am of the opinion that the case of the petitioner is squarely covered by the decision rendered in the judgment *ibid*.

In **Ram Murti's judgment (supra)** speaking for this Court, my learned Sister Ritu Bahri, J. has opined as below:-

“4. The only question that remains to be decided is whether the respondents were justified in rejecting his candidature at the stage of scrutiny of documents.

*5. The issue that has been raised in the present writ petition has already been decided by this Court in the case of ‘**Sandeep Versus State of Haryana and others**’ in CWP No. 4920 of 2018 decided on 11/05/2018. In this case also, the candidature of the petitioner for the post of Heavy Vehicle Driver in the category of Outstanding Sports Persons General Category was rejected for non-production of Sports Gradation Certificate at the time of scrutiny of documents. According to the respondents, the said certificate should have been available on the last date mentioned in the advertisement. During the pendency of the writ petition, this court ordered the petitioner be provisionally interviewed. At the time of interview, he produced a valid Sports Gradation Certificate. The petitioner secured total 87 marks and the last selected candidate in OSP General Category secured 78 marks. Reference was made to a judgment passed by this court in **Neeraj vs. State of Haryana and others (CWP No. 18879 of 2017) decided on 27/11/2017**, wherein it was held that so long as the Sports Gradation Certificate is genuine and the tournaments on the basis of which, the same has been issued have been held prior to the last date provided in*

the advertisement, a candidate cannot be denied consideration. The said judgment became final as no LPA had been filed against the same. In view of the aforementioned judgment the writ petition was allowed while holding that the respondents were not justified in rejecting the petitioner's candidature at the stage of scrutiny of documents. The tournaments on the basis of which the Sports Gradation certificate has been issued were held much prior to the cut-off date prescribed in the advertisement.

6. The present case is squarely covered by the aforementioned judgment. In this case even though the Sports Gradation Certificate was issued after the scrutiny of documents, however, it related to the Sports event which was held much before the cut off date. Moreover, even in the Advertisement dated 18.5.2017 (Annexure P-1), there was a condition that the Sports Gradation Certificate is required to be produced at the time of interview. Hence, for all intents and purposes, the petitioner was eligible for selection to the post of Heavy Vehicle Driver under the OSP General Category."

10. In the aforesaid premise, agreeing respectfully with the above view, writ petition is disposed of to the extent that the petitioner's case will be considered in accordance with the disability certificate contained at Annexure P-2. It is made clear that the petitioner shall not be allowed to change his category and his case will be considered for the post in question in the category in which he had originally applied pursuant to the advertisement in question. Needful be done within a period of 2 months from the date the petitioner approaches the respondent-Commission with a copy of this order.

(ARUN MONGA)
JUDGE

March 31, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No