

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

**CWP No.3183 of 2023(O&M)  
Date of Decision: 16.02.2023**

**Vikas Kumar**

**.....Petitioner**

**Vs**

**State of Haryana and others**

**.....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present:Mr. Kuldeep Sheoran, Advocate  
for the petitioner.

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**RAJ MOHAN SINGH, J.**

[1]. The petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of certiorari for quashing/modification of the result of the petitioner to the extent that the petitioner has been illegally declared ineligible for the post of male Constable against advertisement No.4/2020 dated 30.12.2020.

[2]. Perusal of the aforesaid advertisement would show that

as per guidelines for Online Filling of Application Form, it has been provided that no request for change of any particular on the application form shall be entertained by the Haryana Staff Selection Commission. Candidates who do not fulfill the qualifications/eligibility conditions on cut-off date, their applications shall not be accepted by the online application system. All the certificates relating to educational qualification/eligibility conditions and socio-economic criteria etc will be determined with regard to last date fixed to apply online applications also called as closing date i.e. 10.02.2021 as given in the advertisement. No certificate issued after cut-off date shall be considered. As per important note given in the advertisement, no request for change of any particular on the online application form shall be entertained by the Haryana Staff Selection Commission after submission of application form. After final submission of application form, no change will be allowed. Candidate will be responsible for any mistake in the data of application form and fees paid by him/her.

[3]. The grievance of the petitioner is that the petitioner is in possession of requisite qualification for the post. The petitioner is in possession of qualification of Matric, 10+2, B.A and M.A. The result of MA was declared on 24.12.2020 by the University, but DMC was issued to the petitioner only on 02.03.2021.

[4]. Learned counsel for the petitioner submits that no

member in the family of the petitioner was in Government job and the petitioner belongs to EWC category. In a way, seeks to rely upon a document, which was not attached along with the application form and the same came into existence only on 02.03.2021 i.e. after the cut-off date on 10.02.2021.

[5]. Bare perusal of the advertisement would show that the information brochure has provided that the eligibility is to be seen as on cut-off date. The candidates were required to produce all the documents in support of their particulars given in the application form and not *vice versa*. The information given in the application form shall be treated to be final and binding. No document subsequently submitted will be considered and candidates should ensure that they fulfill all the eligibility conditions for admission as on the last date of submission of the application. The respondent No.3 has adopted negative prohibitory words to bring home imperative nature of the provision. Use of these words are indicative of the fact that the nature of provision is prohibitory and imperative.

[6]. In **Lachmi Narain etc. Vs. Union of India and others, 1976 AIR 714,** it has been held that if the provision is couched in prohibitive/negative language, the same is not directory. The use of peremptory language in a negative form is *per se* indicative of the intent that the provision is to be considered as mandatory and the words used in the information

brochure/advertisement go to establish the mandatory nature of the provision. In **Mannalal Khetan and others Vs. Kedar Nath Khetan and others, 1977 AIR 536**, the mandatory character of the requirement of the application brochure has been considered. The conditions incorporated in the application form bind on all the candidates. In the event of non-compliance, the candidate has to meet the consequences. No question of arbitrariness or unfairness can be used by a person, who fails to satisfy the requirements mentioned in the information brochure.

[7]. The compliance would be essential otherwise basic principle of fairness in such highly competitive examination would stand frustrated. Vesting of discretion in an individual in such matters, to waive or dilute the stipulated conditions of the application form, would *per se* introduce the element of discrimination, arbitrariness and unfairness. Such unrestricted discretion in contravention to the terms of the brochure would decimate the very intent behind the terms and conditions of the application form, more particularly, where the cut-off date itself has been provided in the application form. The information brochure/advertisement has the force of law and submission of applications complete in all respects is a *sine qua non* to the valid acceptance and consideration of an application. If the law requires that something be done in a particular manner, it must be done in that manner and if not done in that manner, has no

existence in the eyes of law at all. Reference can be made to **State of Bihar and others Vs. Madhu Kant Ranjan and another, 2022(1) Apex Court Judgments (SC) 470.**

[8]. For the reasons recorded hereinabove, I find no merit in the present writ petition and the same is accordingly dismissed.

16.02.2023  
Prince

(RAJ MOHAN SINGH)  
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No