

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

**CWP-5820-2021
DECIDED ON: 22.08.2023**

PRASHANT DIXIT

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Surinder Gaur, Advocate
for the petitioner.

Mr. Kapil Bansal, D.A.G. Haryana.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari seeking quashing of the order dated 13.10.2020 (Annexure P-17) passed by respondent No.2- Haryana Staff Selection Commission whereby the petitioner was found ineligible for the post of Junior Engineer under the Dependents of Ex-Servicemen ('DESM') General Category on account of non-production of DESM Certificate prior to the cut-off date. Further direction is sought to respondent No. 2 to include the name of the petitioner in the final selection list dated 6.6.2020 (Annexure P-14) for the post of Jr. Engineer (Civil) in Category 10 reserved for DESM and issue appointment letter accordingly.

2. Learned counsel for the petitioner submits that the petitioner had applied in the DESM category and uploaded his relationship certificate alongwith the application form (Annexure P2) on the website of the

respondent No.2 and thereafter the petitioner appeared in the written examination and secured 49 out of 100 marks, however, at the time of scrutiny of the documents, the petitioner could not produce the eligibility certificate which was required for getting the benefit of DESM. However, on 26.11.2019, he was called for re-screening of the documents whereby he submitted the same.

3. He further relied upon the decision of the Apex Court in **Dolly Chhandav. Chairman, JEE, 2004 AIR (SC) 5043** and the decision of Division Bench of this Court in **Usha Dhillon v. State of Haryana &Ors.[2015 (2) PLR 412]** to contend that the right of no other candidate would be affected if the application of the petitioner is permitted to be considered inasmuch as in the present case, the petitioner had already applied in the reserved category and the action of the respondents for non-consideration in the selection process on the ground that the petitioner could not produce dependent certificate on the cut-off date, is against the settled proposition of law.

4. On the other hand, reply by way of affidavit of Rajeev Dudeja, Secretary (Legal) has been filed, wherein it has been averred that after the declaration of result, the shortlisted candidates including the petitioner were called for scrutiny of the documents on 14.10.2019 to 16.10.2019 vide notice dated 05.10.2019. Thereafter, the said scrutiny of the documents was re-scheduled to 18.11.2019 to 22.11.2019. The petitioner, though appeared for the scrutiny of the documents on 19.11.2019, but was found 'Not Eligible' as he did not possess the DESM certificate. However, vide notice dated 22.11.2019, the petitioner was provided another opportunity to submit the required documents, still he failed to

produce the DESM certificate at the relevant time. Therefore, in the absence of DESM certificate prior to cut-off date, the candidature of the petitioner was considered under General Category i.e. the parent category.

5. Learned State counsel then contended that even otherwise also, the cut-off marks in respect of the General category is 63 marks whereas the petitioner has secured only 49 marks. He also informed this Court that only 1 post under the DESM-General category was advertised and the respondent has already recommended the name of the selected candidate to the concerned department against the said post.

6. The arguments of the learned counsel for the parties have been heard.

7. A perusal of the impugned order dated 13.10.2020 (Annexure P-17) vide which the petitioner was found ineligible under the DESM General above would show that a detailed speaking order has been passed enumerating each and every reason for rejection of the candidature of the petitioner. The same also elaborates upon a number of opportunities granted to the petitioner to produce the requisite document and also points towards the fact that the requisite document produced by the petitioner was issued on 25.11.2019 i.e. much after the cut-off date meaning thereby, the petitioner was not in possession of the requisite eligible certificate as on the 04.04.2019 which was later extended to 10.08.2019.

8. It is well settled law that if certain qualifications have been prescribed and last date for receipt of applications and eligibility has been fixed, the candidates cannot be allowed to submit the requisite documents

after the cut-off date otherwise, similarly placed persons can also take this plea and the applications of the such candidates, who did not fulfil the conditions laid down in the advertisement, are required to be rejected as the terms and conditions of the advertisement are universally applicable to all the candidates. This view of mine finds support in the judgment of this Court in *Sarbjit Singh v. State of Punjab [2018 (5) SLR 598*.

9. In view of the above discussion, this Court does not find any merit in this present writ petition and the same is accordingly dismissed.

22.08.2023

V.Vishal/er

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

- Yes/No
- Yes/No