

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

CWP-12182-2021

Date of decision: 02.02.2023

Dr. Kuldeep Singh

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Bimal Maini, Advocate,
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

Mr. Govind Tanwar, Advocate and
Mr. Kanwal Goyal, Advocate,
for respondent No.2.

Mr. Salil Sabhlok, Advocate,
for respondent No.3.

Mr. Sachmeet Singh Randhawa, Advocate,
for respondent No.4.

HARNARESH SINGH GILL, J. (ORAL)

The present petition has been filed for quashing/setting aside the final result issued by respondent No.2 qua the post of Assistant Professor (College Cadre) in the subject of Political Science.

Learned counsel for the petitioner contends that in pursuance of the advertisement dated 08.03.2019, the petitioner had applied for the aforesaid post in the subject of Political Science; that in the written examination, the petitioner had secured 68.04% marks; that the petitioner

was interviewed on 07.01.2020; that the petitioner also passed National Eligibility Test (NET) in the subject of Political Science in the year 1998; that the petitioner had also obtained a Ph.D. degree dated 16.11.2011 (Annexure P-2) from Jamia Millia Islamia, University; that the aforesaid Ph.D. degree of the petitioner was not taken into consideration at the time of the final result, and that the candidates mentioned in para No.10 of the petition, had been selected. Learned counsel further contends that in case, marks for the Ph.D. degree is added to the score of the petitioner, he would fall within the zone of consideration.

On the other hand, learned counsel for respondent No.2-HPSC submits that in the advertisement, it was clarified under Clause 9 (C) of Sr. No.2 – Essential Qualifications as well as Notice (b) that any candidate relying upon Ph.D. degree awarded to him, was to submit a certificate from the competent authority that the aforesaid degree was in accordance with the University Grants Commission (minimum standards and procedure for award of Ph.D. degree) Regulation 2009. He further submits that even in clause 3(vi) of the interview letter dated 25.12.2019, the aforesaid condition was also mentioned.

Learned counsel for respondent No.2 further submits that the respondent-Commission had rightly not awarded any mark to the petitioner for securing the Ph.D. degree as no certificate, mandated by the instructions to the candidates, had been brought by the petitioner at the time of the interview. In support of his contentions, learned counsel relies upon the judgment dated 24.07.2018 passed by a Coordinate Bench in CWP-12781-2018, titled as 'Mukesh Kumar Vs. State of

Haryana and others'. Even the aforesaid decision has attained finality before a Division Bench of this Court, vide judgment dated 30.11.2018 (Annexure R-2/3).

I have heard the learned counsel for the parties.

A perusal of the essential qualifications for the aforesaid posts, as mentioned in the advertisement, specifically provides that the candidates concerned were requested to submit a certificate from competent authority with respect to the Ph.D. degree awarded to them that awarded Ph.D. degree was in accordance with the University Grants Commission (minimum standards and procedure for award of Ph.D. Degree) regulation 2009. As per Clause 3(vi) of the interview letter dated 25.12.2019, the petitioner was directed to bring the following on the date of interview i.e. 07.01.2020:

“Degree of Ph.D. in relevant subject on or before closing date i.e. 15.04.2019 and also submit a certificate from competent authority with respect to the Ph.D. Awarded to them that awarded Ph.D. Degree is in accordance with the University Grants Commission (minimum standards and procedure for award of Ph.D. Degree) Regulation, 2009, otherwise Ph.D. Degree will not be considered.”

In spite of the aforesaid specific directions, the petitioner had not produced the requisite certificate from the competent authority that his Ph.D. degree was in accordance with the University Grants Commission (minimum standards and procedure for award of Ph.D. degree) Regulation, 2009. The petitioner had opportunity to submit the aforesaid declaration in terms of the advertisement before the interview

was expected to be held, but he did not do so till the day of interview. After the interview date was over, the petitioner obtained the certificate (Annexure P-10) and produced it before the authorities. The petitioner cannot be permitted to draw advantage on the basis of some document, which he was under obligation to produce at the time of the interview, but had failed to do. The document, if any, required in the interview letter, was to be produced at the time of interview, itself, i.e. 07.01.2020, and a certificate/document obtained by him on 08.01.2020, would not enure to his benefit, after the completion of interview process.

While dealing with the similar controversy, a Coordinate Bench in Mukesh Kumar's case (supra) has held as under:

“The petitioner had plenty of time to have armed himself with the declaration from the University in terms of the advertisement before the interview was expected to be held, but he did not do so till the day of interview and submitted a certificate dated 05.01.2018 (Annex P-10) ex post facto issued by Awadhesh Pratap Singh Vishwavidyalaya, Rewa certifying that the awarded Ph.D degree is in accordance with 2009 Regulations of the UGC, New Delhi.

In the considered view of this Court, it was too late for the petitioner to rely on the certificate of his University after the interview date was over. The petitioner is himself to blame. Doctrine of relation back urged in this case, if applied, would disturb the settled rights of the last candidate selected, who stands appointed and is serving as a teacher. He may have been made party to the present petition, but in view of the lackadaisical approach of the petitioner in not equipping himself beforehand with the necessary certificate to be

produced at the time of interview, a condition precedent, this Court would not exercise its discretionary jurisdiction in his favour after the selection process is over. Delay defeats justice.

In view of the above, I find insufficient reasons to intervene in this matter and would deny issuing a writ of mandamus to the respondents to add marks for Ph.D degree to the score of the petitioner.

Accordingly, the petition is dismissed.”

The Division Bench of this Court, vide judgment dated 30.11.2018 passed in LPA No.1863-2018, affirmed the aforesaid view taken by the Coordinate Bench.

In view of the above discussion, this Court does not find any merit in the present petition.

Dismissed.

02.02.2023

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No