

CWP-13348-2019
CWP-15336-2019 and CWP-16543-2019

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

Date of decision: 01.05.2023

1. CWP-13348-2019

Sikander ...Petitioner

Versus

State of Haryana and othersRespondents

2. CWP-15336-2019

Sandeep Singh ...Petitioner

Versus

State of Haryana and othersRespondents

AND

3. CWP-16543-2019

Vijay Veer ...Petitioner

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- None for the petitioner(s).

Ms. Shruti Jain Goyal, DAG, Haryana.

Mr. Kanwal Goyal, Advocate,
for the respondent-HPSC.

HARNARESH SINGH GILL, J. (ORAL)

1. This order of mine shall dispose of the above noted writ petitions, as similar questions of law and facts are involved therein.

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However, for facility of reference, the facts are taken from CWP-13348-2019.

2. Challenge in the said petition is to the advertisement No.01 dated 08.03.2019 qua Category No.9 for the post of Assistant Professor (College Cadre) Maths.

3. It is the case of the petitioner that vide letter dated 25.02.2019 (Annexure P-1), the Govt. of Haryana, has decided to grant reservation in direct recruitment to the candidates under the Economically Weaker Section (EWS) Category, but vide impugned advertisement dated 08.03.2019, no such reservation had been granted. It is also the case of the petitioner that the petitioner belongs to EWS Category; that after having published the advertisement, the petitioner approached the concerned Tehsildar to procure the EWS Certificate and that initially, he was informed that due to some technicalities, the same could not be issued, but lastly, the same had been issued.

4. Learned counsel for respondents No.3 and 4 submits that as per the advertisement 08.03.2019, the closing date to apply for the aforesaid post was 15.04.2019 whereas the income and asset certificate (Economically Weaker Sections) was possessed by the petitioner on 18.04.2019. Learned counsel further submits that the petitioner had applied for in the general category and after having participated in the selection process, he did not fall within the zone of consideration.

5. I have heard the learned State counsel and learned counsel for respondents No.3 and 4 and gone through the record.

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6. The terms and conditions in an advertisement by which a process of recruitment is initiated, would be sacrosanct and cannot be deviated from. Learned Advocate General while appearing before the Coordinate Bench on 21.05.2019, submitted that no reservation was made in the advertisement dated 08.03.2019 either for the Economically Weaker Sections or the Economicaly Backward Class Category candidates, for the reason that the roster point had not been finalized by the State Government. It is the specific case of respondent No.3 that requisiton qua number of vacancies already stood determined much prior to the notification dated 25.02.2019.

7. Apart from that, it is admitted and undisputed that the EWS certificate presented by the petitioner was issued on 18.04.2019 whereas the last date to apply for the aforesaid post was stipulated as 15.04.2019. Clause 5.4 of the letter dated 25.02.2019 clearly stipulates that the crucial date for submitting Income and Asset Certificate by the candidate would be treated as the closing date for receipt of application for the post, except in cases where crucial date is fixed otherwise. No claim for reservation on the basis of said certificate, can be entertained.

8. In view of the above, the present petition is dismissed.

01.05.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No