

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

LPA-699-2023 (O&M)

Date of decision: 02.12.2023

Haryana Staff Selection Commission

...Appellant

Vs.

Naresh Kumar and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY**

**Present: Mr. Deepak Balyan, Addl. A.G., Haryana,
for the appellant.**

**Mr. Rajat Mor, Advocate,
for respondent No.1.**

Ritu Bahri, Acting Chief Justice

CM-1823-LPA-2023

CM-1825-LPA-2023

1. For the reasons mentioned in the applications, same are allowed and delay of 42 days in filing and 67 days in re-filing of the appeal is condoned.

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2. The instant appeal, under Clause X of the Letters Patent Appeal, is against the judgment dated 14.11.2022 passed by the learned Single Judge of this Court, whereby petition (CWP-17499-2017) filed by petitioner-respondent No.1 has been allowed and the respondent No.3-Commission (appellant herein) has been directed to award 01 mark to the petitioner by considering his post-graduation mark sheets, as per criteria laid down in the advertisement dated 19.07.2015 and offer him appointment letter for the post of Male Constable (General Duty) under BCB category.

interview, petitioner-respondent No.1 had supplied the post graduation marks sheet to the commission. The appellant-commission did not give any marks to respondent No.1 for his post graduation marks sheet, which was submitted at the time of interview. The petitioner had sought this information from the commission under the Right to Information Act, 2005. Annexure P-16 was the information given by the appellant-commission, which had been attached with the application form submitted at the time of scrutiny and marks sheet of MBA was part of the said information. The attendance sheet (Annexure R3/3), which was attached with the written statement, reflected that against the category of MBA, no document had been attached. This was the mistake committed by the appellant-commission, which had been clarified by petitioner-respondent No.1 by getting information under the Right to Information Act, 2005 (Annexure P-16).

4. The learned Single Judge has observed that petitioner (respondent No.1) had cleared his fourth semester examination of MBA from the Global Open University on 10.04.2015 much before applying for the post in question. Hence, for all intents and purpose, he was entitled for getting one (01) mark for his higher qualification i.e. MBA.

5. Learned counsel for the appellant-commission has argued that this fact was not mentioned in the application form, which was filed before the cut off date and hence, he (respondent No.1) cannot get the benefit of 01 mark by producing this certificate at the time of scrutiny of document. He has relied upon the judgment passed by Hon'ble the Supreme Court in **The State of Bihar and others vs. Madhu Kant Ranjan and another**, 2022 (1) SCT 223, wherein it has been held that a candidate has to comply with all

unless extended by recruiting authority. This judgment has also been considered by the learned Single Judge.

6. However, the aforesaid judgment will not be applicable to the facts of the present case, as the appellant-commission, in the present case, vide resolution dated 20.06.2017, had resolved that claim of the candidates, who had not produced the evidence regarding educational qualification, NCC certificates etc., can produce the same at the time of scrutiny of documents/interview/viva voce and those documents will be considered with immediate effect.

7. Learned counsel for the appellant-commission has not been able to dispute the fact that resolution dated 20.06.2017 was issued by the Haryana Staff Selection Commission-appellant.

8. After going through the contents of appeal as well as the impugned judgment, this Court is of the view that the appellant-commission has been rightly directed to award 01 mark to the petitioner-respondent No.1 by considering his post graduation mark sheets of MBA, as per the criteria laid down in the advertisement dated 19.07.2015 and to offer him appointment letter for the post of Male Constable (General Duty) under the BCB category. Hence, no ground is made out to interfere in the well reasoned judgment passed by learned Single Judge.

9. Resultantly, finding no merits, present appeal stands dismissed. Since the main appeal has been dismissed, miscellaneous application(s) stands disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

02.12.2023

ajp

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No