

CWP No. 16073 of 2018

2023:PHHC:131084

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(224)

CWP No. 16073 of 2018

Date of Decision : 09.10.2023

Vikram

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Dr. Anand Kumar Bishnoi, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

In the present petition, the challenge is to the order dated 05.04.2018 (Annexure P-5) passed by the respondents, by which the petitioner was declared ineligible to compete for the post of Tracer as advertised by the respondents vide Advertisement No. 6 of 2016 dated 02.12.2016 (Annexure P-1).

Certain facts needs to be mentioned herein for correct appreciation of the issue in hand.

The respondent-Commission issued an Advertisement No. 2 of 2016 dated 02.12.2016 (Annexure P-1) by which 40 posts of the Tracer were advertised. The petitioner, who considered himself eligible as per the terms and conditions, applied for the same. Petitioner appeared in the written examination and after he cleared the written examination,

he was called for scrutiny of the documents. At the time of scrutiny of the documents, the petitioner was declared ineligible as, the matriculation certificate attached by the petitioner along with the application form issued by the Punjab School Education Board dated 24.06.2002, depicted subject as 'Painting' whereas, the subject 'Drawing' was the required essential qualification to be eligible for the post in question.

Keeping in view the said discrepancy, the claim of the petitioner was rejected being ineligible, which action was challenged by the petitioner in the present petition.

After being declared as ineligible, the petitioner filed an application for rectification of his matriculation certificate so as to change the word 'Painting' to the word 'Drawing', which certificate was issued to the petitioner by the Punjab School Education Board on 18.05.2018, copy of which has been appended as Annexure P-6. By the time, the said certificate was issued, the selection process had already been completed and all the selected candidates had already been appointed against the advertised posts.

Learned counsel for the petitioner argues that though, the discrepancy occurred at the hands of Punjab School Education Board while issuing him the matriculation certificate so as to mention the subject of 'Drawing' as 'Painting', the said action of the Punjab School Education Board should not cause prejudice to the petitioner and once, the petitioner's matriculation certificate has already been corrected by the Punjab School Education Board, a copy of which has been appended as

Annexure P-6, the petitioner is entitled to be treated as an eligible candidate.

Learned counsel for the respondents submits that the eligibility of the petitioner was to be adjudged on the basis of the documents, which were attached by the petitioner himself along with the application form and as per the matriculation certificate, it depicted that the petitioner had appeared in the subject of 'Painting', whereas the subject of 'Drawing' was the required essential qualification, hence, the eligibility was to be seen on the basis of the documents, which were presented to the Commission by the petitioner himself and as per the said documents, the petitioner was ineligible. Learned counsel submits that subsequent rectification of the certificate will not give the petitioner right to claim the eligibility for the post in question.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a conceded position that the matriculation certificate, which the petitioner had attached with the application form depicted the word 'Painting' as a subject cleared by him while appearing in the matriculation examination. That being so, as the said certificate was before the authorities concerned to adjudge his eligibility, no fault can be found in declaring the petitioner ineligible as, the advertisement prescribed the qualification of 'Drawing' as essential qualification and not 'Painting', hence, the action of the respondent-Commission in declaring the petitioner ineligible cannot be said to be arbitrary or illegal.

Further, the argument that once the correct certificate has been issued to the petitioner, copy of which has been appended as Annexure P-6 with the petition, the petitioner should be treated eligible, the said benefit cannot be given to the petitioner as by the date the said certificate was issued, the selection process for the post in question was already over and the candidate, who fulfilled the eligibility, as per the terms and conditions mentioned in the Advertisement, had already been selected and appointed. No selected candidate is a party to the petition, who will be affected, in case the prayer of the petitioner is accepted now so as to treat him eligible. That being so, though the certificate dated 18.05.2018 (Annexure P-6) will be a valid certificate but the same cannot be given a retrospective effect so as to give the eligibility to the petitioner in the facts and circumstances of the present case qua the selection in question.

Keeping in view the above, no ground is made out for the grant of prayer as made in the present petition.

Dismissed.

October 09, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No