

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

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CWP-23255-2018 (O&M)

Date of Decision: 14.02.2023

SUSHIL KUMAR

... Petitioner

Versus

HARYANA STAFF SELECTION COMMISSION

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mandeep Singh Lamba, Advocate for
Mr. RS Dhull, Advocate
for the petitioner.

Mr. Rohit Arya, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks issuance of directions to the respondent to consider his candidature for the post of Post Graduate Teacher (PGT) (Category No.5) and for quashing the impugned order dated 17.02.2018 (Annexure P-10), vide which the representation dated 16.01.2018 moved by the petitioner, was rejected.

Learned counsel appearing for the petitioner submits that against advertisement dated 28.06.2015, the petitioner had applied for the aforesaid post, under EBPGC Category (rest of Haryana); that the petitioner appeared in the written examination on 27.03.2016 and that the petitioner was called for scrutiny of the documents on 09.02.2017. He further submits that the candidature of the petitioner has wrongly and arbitrarily been rejected by the respondent-Department, though he is eligible in all respects.

Learned State counsel submits that though the petitioner was called for the documentation on 09.02.2017, yet the fact remains that he did not appear and was, accordingly, marked absent. He further submits that on the directions of this Court, the petitioner was allowed to participate in the interview; that the last selected candidate has secured 106 marks, whereas the petitioner has secured 78 marks and that, even if the petitioner is granted full marks in the interview, he will not fall under the zone of consideration. Still further, it is submitted that the cut off date was 21.10.2015, whereas the petitioner obtained the requisite certificate dated 31.08.2016, which is after the cut off date.

Learned State counsel further submits that there was a specific condition in the advertisement that the decision of the Commission in all matters relating to acceptance or rejection of an application, eligibility/suitability of the candidates, mode of and criteria for selection etc. will be final and binding on the candidates and no inquiry or correspondence will be entertained in this regard.

Learned counsel for the petitioner submits that the petitioner appeared for M.A. (Final) examination in the year 2015; that on declaration of the result by the University on 25.09.2015, the petitioner came to know that he had to re-appear in American Literature; that the petitioner applied for re-evaluation and that, in the month of August, 2016, the result of the re-evaluation was declared by the University and the petitioner was declared pass in American Literature. It is, thus, submitted that the petitioner has/had the requisite qualification before the cut off date.

I have heard the learned counsel for the parties.

The specific stand taken by the respondent is that the petitioner was having the requisite certificate dated 31.08.2016, which is apparently, beyond the cut off date i.e. 21.10.2015. The fact that the petitioner applied for re-evaluation and was declared pass, is of no help to the petitioner, as a candidate is required to have the requisite qualification on the cut off date and not the doubtful one.

Above all, the last selected candidate has secured 106 marks, whereas the petitioner has secured 78 marks, which in any case are much less than the cut off marks.

In view of the above, I find no merit in the present petition.

Dismissed.

14.02.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>