

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9295-2014 (O & M)
Date of decision: 01.02.2023

Dr. Ravinder Kumar

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gopal Sharma, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The present petition has been filed for issuance of directions to select the petitioner against advertisement No.01/2012 (P-1), and to prepare a waiting list of the candidates, who are next to the last selected candidate.

Learned counsel for the petitioner contends that the petitioner had applied under the physically handicapped quota, for the post of Post Graduate Teacher (PGT) Hindi, against the advertisement dated 07.06.2012; that the petitioner was called for verification/scrutiny of documents on 18.03.2013; that the petitioner had shown his all documents, including degrees of M.Phil and Ph.D., and that the final result for the aforesaid post was declared on 01.01.2014, wherein the petitioner had not been selected.

Learned counsel for the petitioner further contends that the case of petitioner had not been evaluated in accordance with the terms and conditions of the advertisement and at the time of scrutiny of documents, the petitioner had not been given marks for M.Phil and Ph.D. degrees. Learned counsel further contends that the the last selection candidate had secured 50.91 marks and that in case, the petitioner had been awarded marks for M.Phil and Ph.D. degrees, he would have secured more marks than the last selected candidate. Learned counsel further contends that out of 51 posts reserved for the candidates of physical handicapped category, 44 posts were filled in and some posts are still lying vacant.

On the other hand, learned State counsel submits that while applying online for the post of PGT Hindi, the petitioner had not claimed M.Phil qualification in his application form and also as per the attendance sheet at the time of interview, he had not claimed his M.Phil qualification at the time of verification/scrutiny of documents. Learned State counsel further contends that the petitioner had been awarded the the Ph.D. degree on 23.07.2012 i.e. after the cut off date of the advertisement and that the petitioner could not have been given marks for M.Phil and Ph.D. degrees.

I have heard the learned counsel for the parties.

Indisputably, the petitioner had applied for the post of PGT Hindi. The closing date for submission of online application was 28.06.2012. No doubt, the petitioner secured M.Phil degree in 2003. A perusal of the application form (Annexure P-2) submitted by the

petitioner would show that the petitioner obtained Ph.D. degree in 2010. However, the petitioner was awarded the Ph.D. degree on 23.07.2012 i.e. i.e. after the cut off date of the advertisement. It is the specific case of the respondent-State that no copy of the aforesaid degrees had been attached by the petitioner with the application form so as to make him entitled for the marks against the said degrees. Moreover, while applying online for the post of PGT Hindi, the petitioner had not claimed M.Phil qualification in his application form or at the time of the interview. The petitioner is himself to blame for not claiming M.Phil qualification in his application form or at the time of the interview.

It is the advertisement, which is the magna carta for the purpose of determining the eligibility of the candidates for selection and appointment to the posts advertised. Moreover, the selection process for the aforesaid posts stands completed and the selected candidates have been appointed with the concerned department. No case is made out to issue directions to the respondents as prayed for, especially when much water has already been flown. 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/scrutiny of documents, but had failed to do.

Moreover, the Hon'ble Supreme Court in 'Ashok Kumar Sonkar Vs. Union of India and others, 2007(4) SCC 54, held that a candidate not holding the requisite qualification on cutoff date will be ineligible and cannot be considered at all. Equity or sympathy will have no role to play in such cases.

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

Dismissed.

01.02.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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