

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

228-B

CWP-30062-2017 (O&M)

Date of Decision: 15.03.2023

VIPIN KUMAR JAIN

... Petitioner

Versus

HARYANA PUBLIC SERVICE COMMISSION AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: None for the petitioner.

Mr. Kanwal Goyal, Advocate and
Mr. Govind Tanwar, Advocate
for the respondent.

HARNARESH SINGH GILL, J.(Oral)

There is no representation on behalf of the petitioner today.

Prayer in this petition is for issuance of a writ in the nature of Mandamus directing the respondents to allow the petitioner to appear in the interview provisionally, for the post of Assistant Professor (College Cadre) HES-II, under the Economically Backward Person in General Category (EBPGC), scheduled from 02.01.2017 to 11.01.2017.

Vide order dated 01.01.2018 passed by a Coordinate Bench of this Court, the respondents were directed to provisionally interview the petitioner.

On 03.08.2022, the result of the petitioner was produced in Court and the same was opened. As per the result, the petitioner does not fall under the zone of consideration and was declared 'not eligible' for the post in question.

It is the case of the petitioner that for the post in question, he appeared in the written examination and had cleared the same; that he was declared successful and his name has also figure in the result dated 07.11.2017; that the petitioner received e-mail dated 29.11.2017, vide which he was intimated that his candidature was rejected by the respondent-Department; that the petitioner moved a representation dated 28.11.2017 along with all the relevant documents, except the EBPGC certificate and that subsequently, on 06.12.2017, the petitioner submitted the EBPGC Certificate dated 05.12.2017.

On the other hand, learned counsel for the respondents has vehemently opposed the averments made in the present petition. He submits that the petitioner had applied for the post in question under EPBGC Category and he was required to upload the said certificate, at that time. He further submits that the EBPGC certificate (Annexure P-6) annexed with the petition was issued on 05.12.2017, after the cutoff date i.e. 10.05.2016 and thus, the candidature of the petitioner cannot be considered, at this belated stage. It is further submitted that even with the representation dated 28.11.2017, the said certificate was not annexed.

In support of his contentions, learned counsel for the respondents relies upon the judgment dated 07.11.2022 passed by a Coordinate Bench of this Court in CWP-26995-2017 titled as Poonam Choudhary vs State of Haryana and another.

I have gone through the record and heard the learned counsel for the respondents.

It is the own case of the petitioner that the certificate of EBPGC was issued to him on 05.12.2017, whereas the cut-off date in the present case was 10.05.2016. The said certificate was submitted, for the first time, on 06.12.2017.

This clearly goes to show that on the cut-off date, the petitioner was not having the relevant/requisite documents, which he had obtained at a later date. Thus, the petitioner cannot be allowed to avail the benefit of the document, issued to him post cut-off date.

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

Dismissed.

15.03.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No