

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(286)	CWP-29247-2022 Date of Decision : October 19, 2023	
Anil Kumar and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(2)	CWP-16-2023	
Navodita and another		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(3)	CWP-29614-2022	
Akshat Kaushik		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(4)	CWP-29921-2022	
Akshit Dhillon		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(5)	CWP-30-2023	
Pratibha Poonia		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents

(6)	CWP-30182-2022	
Shivani Rohilla		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(7)	CWP-4-2023	
Mamta Rani		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(8)	CWP-11-2023	
Anirudh		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(9)	CWP-18-2023	
Rakshita Sharma		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(10)	CWP-29347-2022	
Vipin Kumar and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(11)	CWP-30368-2022	
Manish and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents

- (12)

CWP-30369-2022

Parvesh

.. Petitioner

Versus

State of Haryana and others

.. Respondents
- (13)

CWP-30370-2022

Anuradha Kaushik

.. Petitioner

Versus

State of Haryana and others

.. Respondents
- (14)

CWP-5-2023

Aman Singh and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents
- (15)

CWP-8-2023

Gudia and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Himanshu Malik, Advocate, for the petitioners
in CWP-29247-2022, CWP-29614-2022, CWP-29921-2022
and CWP-5-2023.

Mr. Mukul Aggarwal, Advocate, for the petitioners
in CWP-16-2023.

Mr. P.S. Jammu, Advocate, for the petitioners
in CWP-30-2023.

Mr. Vikas Lochab, Advocate, for the petitioners
in CWP Nos. 30182, 29347, 30368, 30369, 30370 of 2022 and
CWP-8-2023.

Mr. Ankur Goyat, Advocate, for
Mr. Ramesh Goyat, Advocate, for the petitioners
in CWP-4-2023.

Ms. Shweta, Advocate, for
Ms. Varuna Singh, Advocate, for the petitioner
in CWP-11-2023.

Mr. Govind Chauhan, Advocate, for the petitioner
in CWP-18-2023.

Mr. Tapan Kumar Yadav, Deputy Advocate General, Haryana.

Mr. Kanwal Goyal, Advocate, and
Mr. Shobhit Rapria, Advocate, for respondent-HPSC.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, a bunch of writ petitions, the details of which have been given in the heading, are being decided as all the petitions involve the same question of law on similar fact.

2. In the present bunch of petitions, the challenge is to the Clause 6 of the Advertisement No.41/2022 dated 11.12.2022 by which Advertisement, 383 posts of Veterinary Surgeon to be filled in the Department of Animal Husbandary & Dairying Department, Haryana, were advertised. As per Clause 6 of the Advertisement, the essential qualifications were mentioned to be possessed by a candidate in order to be eligible for competing for the post in question.

3. Certain facts may be noticed for the correct appreciation of the issue in hand.

4. The respondent-Commission issued an Advertisement No.41/2022 dated 11.12.2022 (Annexure P-1) advertising 383 posts of Veterinary Surgeon in the Department of Animal Husbandary & Dairying Department, Haryana. As per the required qualification mentioned in Clause 6 of the Advertisement, (i) the candidates should have Bachelor

degree of Veterinary Science and Animal Husbandry from a recognized University or institution (ii) Adequate Knowledge of Hindi (iii) the candidates should be a Veterinary Practitioner with Haryana Veterinary Council or with any Veterinary Council in India or Indian Veterinary Council as required by Indian Veterinary Council Act, 1984. Preference was to be given to a candidate, who will be having doctorate or post graduation degree in the Veterinary Science in Animal Genetics and Breeding/ Veterinary Gynecology/ Animal Psychology or in any branch of Animal Husbandry/Veterinary Science. As per the criteria mentioned in the Advertisement, the candidates should not be less than 22 years of age and not more than 42 years of age as on 01.07.2022. The last date for the submission of the application forms was mentioned as 05.01.2023. Keeping in view the qualifications mentioned in Clause 6 of the Advertisement, the petitioners were not eligible to apply for the post in question as the petitioners were yet to get their degree in the Veterinary Science and Animal Husbandry and were yet to be registered permanently with the Haryana Veterinary Council or any other Council as envisaged under Clause 6 (iii) of the Advertisement.

5. Feeling aggrieved against the said Clause 6 of the Advertisement, the petitioners approached this Court with a prayer that keeping in view the pandemic of Covid-19, the academic course and the internship which the petitioners were required to do for getting the degree in the Veterinary Science got delayed hence, they will not be in a position to get the qualification of degree as required under Clause 6 (i) of the Advertisement by the last date of submission of application forms and they should be given relaxation so as to produce the degree in Veterinary Science before the conclusion of the selection process.

6. In order to press their prayer as raised in these petitions, reliance was placed by the petitioners on the Corrigendum which was issued by the Department of Health while making recruitment to the post of Medical Officers, which was done in the year 2022 whereby the candidates who were in the final year of their medical course and were undergoing the internship were considered eligible to compete for the post of Medical Officers in case they submit the degree/other relevant documents by a particular date as envisaged in the Corrigendum.

7. The prayer of the petitioners in the present petitions is that similar benefit, as extended to the candidates who were competing for the post of Medical Officer, be extended to the petitioners as well so as to consider them eligible for the post of Veterinary Surgeon as advertised vide Annexure P-1.

8. The petitioners also placed reliance upon the similar benefit being given by Rajasthan Public Service Commission while making selection to the post of Veterinary Surgeon.

9. While issuing notice of motion, in order to ensure that the petitioners do not suffer irreparable loss, this Court allowed the petitioners to appear in the selection process provisionally and their result was ordered kept to be in sealed cover.

10. Learned counsel for the respondents submits that the qualification, which is required to be possessed by a candidate in order to become eligible to compete for the post of Veterinary Surgeon, has been given in the Rules governing the service itself and same qualification have been mentioned in Clause 6 of the Advertisement, hence, diluting the said qualification on asking of the petitioners so as to allow them to compete for the posts in question, does not arise as the statutory qualification mentioned

in the Rules governing the service according to which, the appointment is to be made in consonance with the Haryana Veterinary and Allied (Group B) Service Rules, 1996 and the candidates who possessed the qualification upto the last date of application, can only be considered eligible to compete for the posts advertised.

11. Learned counsel for the respondents further submits that once the petitioners are not eligible to apply for the post in question as they do not have the requisite qualification required under the Rules which were also made essential qualification in the Advertisement in order to become eligible to compete for the advertised posts, the petitioners cannot raise a grievance that they are going to attain the qualification in the near future hence, they should be allowed to compete for the post in question subject to submission of their Bachelor degree before the completion of the selection process as, every candidate, who is to compete, is to prove his/her eligibility upto the last date of the submission of the application forms.

12. Learned counsel for the respondents further submits that qua the grant of relaxation as given by the Department of Health for recruitment for the post of Medical Officer, the same was given keeping in view the situation which was prevalent in the year 2022 keeping in view the pandemic of Covid-19 but the situation had improved considerably by the time the present Advertisement was issued wherein, the last date prescribed for submission of application form was 05.01.2023 when everything was about normal, hence, only the candidate who fulfill the requisite qualification upto the last date of application can compete.

13. Learned counsel for the respondents further submits that the reliance being placed by the learned counsel for the petitioners with regard to the selection process adopted by the Rajasthan Public Service

Commission qua the post of Veterinary Surgeon, the qualification mentioned therein, were to be achieved upto the date of interview as per the Advertisement itself, which is not the case in hand as the qualification mentioned in Clause 6 of the Advertisement in the case of the petitioners herein, were required to be attained upto the last date of the application form, hence, reliance being placed by the petitioners to claim the benefit of relaxation to attain the essential qualification is totally misplaced.

14. Learned counsel for the respondents further submits that the relaxation granted by the UPSC is not applicable in the present case as Department is of the view that only the candidate who fulfill the educational qualification as prescribed under the Rules and Advertisement upto the last date of submission of application forms are required to be considered eligible and not those, who can achieve those qualification during the pendency of the selection process. Hence, the Department cannot be directed to relax the qualification in favour of a particular group of a candidates, who was otherwise not eligible for not having the requisite qualification.

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

16. The main prayer of the petitioners is for setting aside the Clause 6 of the Advertisement dated 11.12.2022 (Annexure P-1). In the Clause 6, following qualifications have been mentioned

“6. ESSENTIAL QUALIFICATIONS:

(i) Bachelor of Veterinary Science and Animal Husbandry from a recognized University or Institution;

(ii) Adequate Knowledge of Hindi.

(iii) Registered as Veterinary Practitioner with Haryana Veterinary Council or with any Veterinary Council in India or Indian Veterinary Council as required by Indian Veterinary

Council Act, 1984.”

17. It is a conceded position that the qualification which have been mentioned in Clause 6 of the Advertisement, are akin to the statutory qualification mentioned under the Rules governing the service.

18. Further, it is a settled principle of law that a candidate is required to attain the essential qualification upto the last date of submission of the application forms. As per the Advertisement, the last date for fulfilling the qualification as mentioned in the Clause 6 of the Advertisement was 05.01.2023. Concededly, the petitioners do not possess those qualifications in order to become eligible for competing against the post of Veterinary Surgeon as advertised vide Advertisement dated 11.12.2022 (Annexure P-1). Hence, question arise whether the petitioners can be allowed to compete for the post in question or not.

19. The settled principle of law settled by the Hon’ble Supreme Court of India in ***Civil Appeal No.7677 of 2021 titled as State of Bihar and others vs. Madhu Kant Ranjan and another, decided on 16.12.2021*** as well as ***in Civil Appeal No.8828 of 2022 titled as Himachal Pradesh State Electricity Board Ltd and another vs. Dharminder Singh, decided on 23.11.2022***, is that the last date for attaining the qualification/eligibility is must. The relevant para of the judgment of the Hon’ble Supreme Court of India in ***Madhu Kant Ranjan’s case (supra)*** to support the said information is as under:-

“9. As per the settled proposition of law, a candidate/applicant has to comply with all the conditions/eligibility criteria as per the advertisement before the cut-off date mentioned therein unless extended by the recruiting authority. Also, only those documents, which are submitted alongwith the application form, which are required to be submitted as per the advertisement have to be considered.

Therefore, when the respondent No.1 - original writ petitioner did not produce the photocopy of the NCC 'B' certificate alongwith the original application as per the advertisement and the same was submitted after a period of three years from the cut-off date and that too after the physical test, he was not entitled to the additional five marks of the NCC 'B' certificate. In these circumstances, the Division Bench of the High Court has erred in directing the appellants to appoint the respondent No.1 - original writ petitioner on the post of Constable considering the select list dated 08.09.2007 and allotting five additional marks of NCC 'B' certificate."

20. It is a settled principle of law that there is a sanctity to the last date prescribed to compete as the qualification/eligibility is to be gain upto the last date of submission of the application form. Not only this, in case a candidate is eligible but has not fulfilled the requirement of the terms and conditions of the Advertisement upto the last date, the said candidate is also to be treated ineligible to compete for the post in question. The Hon'ble Supreme Court of India in **Writ Petition (C) No. 724 of 2023 titled as Divya vs. Union of India and others, decided on 09.10.2023**, has held that any candidate who has not even submitted the certificate of a particular reserved category to show eligibility to compete under the said category upto the last date of submission of application, cannot be treated as eligible candidate.

Relevant paragraphs of the said judgment are as under:-

" 51. In this case, rules clearly exist in the form of CSE-2022. It has also been settled that determination of eligibility cannot be left uncertain till the final stages of selection, since that would lead to uncertainty. [See A.P. Public Service Commission v. B. Sarat Chandra (1990)2 SCC 669, para 7] Further, it is well settled that if rules prescribe the last date on which eligibility should be possessed, any relaxation would prejudice non-applicants who for want of possession of eligibility would not have applied. Relaxation would then be

selective, leading to discrimination [See Yogesh Kumar (supra)]

52. *As is clear from Rule 13, in the present case, by 15.07.2022, the certificates disclosing eligibility had to be uploaded with DAF-I and it was expressly stipulated by the 41 rule that delayed submission of the DAF-I or documents in support will not be allowed.*

53. *Quite apart from the above, much water has also flown under the bridge. The UPSC has made the cadre allocations and the EWS candidates against the 298 vacancies have also been allotted their respective cadres. Today, it is legally not permissible and administratively not feasible for the UPSC to unscramble the egg. Accepting the contention of the petitioners would also result in administrative chaos and will prolong the selection process indefinitely.*

54. *The strong reliance placed on Ram Kumar Gijroya case (supra) also does not impress us. Not only was there no rule, like we have in the present case, it was only while declaring the result, the requirement of submitting the OBC certificate before the cut-off date was introduced by the Selection Authority there. Moreover, unlike the present, there was no contention or issue raised in that case that eligibility enures or 42 crystallizes only on the issuance of the certificate and on possession of the certificate, before the prescribed cut-off date.*

55. *The judgment in Ram Kumar Gijroya case (supra) is also directly in conflict with the judgment of three Hon'ble Judges in Ashok Kumar Sharma and Others vs. Chander Shekhar and Another (1997) 4 SCC 18 wherein in para 6, it was held as under:-*

“... So far as the first issue referred to in our Order dated 1-9-1995 is concerned, we are of the respectful opinion that majority judgment (rendered by Dr.T.K. Thommen and V. Ramaswami, JJ.) is unsustainable in law. The proposition that where applications are called for prescribing a particular date as the last date for filing the applications, the

eligibility of the candidates shall have to be judged with reference to that date and that date alone is a well-established one. A person who acquires the prescribed qualification subsequent to such prescribed date, cannot be considered at all. An advertisement or notification issued/published calling for applications constitutes a representation to the public and the authority issuing it is bound by such representation. It cannot act contrary to it. One reason behind this proposition is that if it were known that persons who obtained the qualifications after the prescribed date but before the date of interview would be allowed to appear for the interview, other similarly placed persons could also have applied. Just because some of the persons had applied notwithstanding that they had not acquired the prescribed qualifications by the prescribed date, they could not have been treated on a preferential basis.....”

56. Apart from all of this, the correctness of Ram Kumar Gijroya case (supra) was referred to a three-Judge Bench in the case of Karn Singh Yadav (two-Judges). A perusal of para six of the referral order clearly shows that the Bench was echoing the ratio of the three-judge Bench in Ashok Kumar Sharma’s case (supra) though there is no express reference to the said case. However, when the matter came before a threeJudge Bench, the reference was not answered and even after noticing that Ram Kumar Gijroya case (supra) covered the case of Karn Singh Yadav (two-Judges), the Court, however, denied relief to Karn Singh Yadav, the petitioner by holding that since the appellant was never appointed to the post at that length of time it was not possible to grant any relief to the appellant. Ram Kumar Gijorya (supra) is clearly distinguishable.

57. Be that as it may, we are bound by the judgment of the three-Judge Bench in Ashok Kumar Sharma (supra) and we follow the said judgment and reiterate the principle laid down 44 thereon. It is also interesting to note that even in Deepak Yadav (supra), a judgment, strongly relied upon by the

learned counsel for the petitioners, the principle in Ashok Kumar Sharma (supra) has been reiterated. However, because of what the Court called an abnormal and cataclysmal year, an exception was made due to the ongoing pandemic, lockdown and restrictions imposed thereof. In Alok Kumar Singh (supra), no rules like the ones present in this case are shown to have existed. In the present case, there are clear prescriptions as to eligibility, as has been discussed herein above.

58. In Gaurav Singh's case (supra), this Court has held as under:-

“A technical irregularity in a certificate issued by the competent authority in respect of the correct financial year cannot be equated with an Income and Asset Certificate in respect of a different financial year when the Income and Assets for the particular financial year prior to the year of submission of the application, goes to the root of eligibility of a candidate to qualify in the EWS category.

The Respondent-Writ Petitioners were well aware that they had to furnish Income and Asset Certificates issued by the Competent Authority for the financial year prior to the year of application. If the applications were made pursuant to a notification published on 24th April 2019 with 20th May 2019 notified as the last date for submission of the applications, the financial year prior to the year of submission of application could not possibly be the financial year 2019-2020, to which the Certificates related. The observation in the impugned judgment and order of the High Court of the expediency of specifying the financial year in the notification for recruitment is in the nature of an advisory, which may be kept in mind when recruitment notifications are issued by the Appellant in future. The Respondent writ petitioner Nos. 2 and 4, in whose Income and Asset certificates were not in order, did not have any legal right to be considered EWS candidates.

The Respondent-Writ Petitioners were required to

submit Certificates for the relevant financial year. The negligence of the Respondent-Writ Petitioners in not checking if the Certificate related to the correct financial year, cannot be lightly brushed aside as inadvertent lapses of the certifying authority. A candidate applying for a post pursuant to an advertisement, cannot afford to be negligent. Documents required to be submitted have to be carefully checked by the candidate concerned before submission. An appointing authority proceeds on the basis of what is stated in a certificate. When a certificate pertains to a different financial year, the same is liable to be outright rejected. No candidate can, in such case, claim any legal right to reconsideration of his/her candidature by submission of a fresh certificate and/or rectified certificate.

In the case of Respondent-Writ Petitioner No.3, the Income and Asset certificate, which had initially been questioned as having been issued by an authority not competent, was later accepted as it was found that the authority issuing the certificate was in fact competent. The certificate of the Respondent-Writ Petitioner No.1 was also accepted as there was no discrepancy in either the date of issuance or the year. It was just that the seal had been stamped without the full name of the officer concerned and that was accepted as an error not attributable to the candidate concerned.”

(Emphasis is ours)

59. The attempt by Ms. Preetika Dwivedi and Shri K. Parameshwar, learned counsels for the petitioners to get over Gaurav Singh’s case (supra) by relying on the case of Deepak Yadav (supra) does not also impress us. Deepak Yadav case (supra) pertained to the Civil Services Examination for 2020. It was during the middle of the peak pandemic in 2020. In that scenario, the Court observed as follows:-

“7. Indeed, the last part of Note I of clause 7 clearly provides that proof of passing the requisite examination should be dated earlier than the due date (closing date) of

Detailed Application Form-I of the Civil Services (Main) Examination. There is nothing wrong in UPSC strictly adhering to this stipulation, being in the nature of an eligibility criterion. The respondents are justified and right in urging that this stipulation is inviolable as expounded in Ashok 47 Kumar Sharma & Ors. vs. Chander Shekhar & Anr., (1997) 4 SCC 18 and subsequent decisions of this Court which need not be multiplied.

8. At the same time, it cannot, however, be denied that 2020 was an abnormal and cataclysmal year due to the ongoing pandemic, lockdowns and restrictions. UPSC had to postpone their examination like all other Universities/Boards. The results of the qualifying examination in the case of petitioners, thus, got delayed. This was entirely beyond control of the petitioners who were certainly eligible on the date they appeared in the preliminary examination and had qualified for the main examination, in which they had appeared. Admittedly, the petitioners had attained the qualifying eligibility criteria before the main examination was conducted by UPSC in January, 2021 (i.e., between 08.01.2021 and 17.01.2021).

12. Accordingly, we issue direction to UPSC to permit the 5 candidates, as a special case, to participate in the personality test/interview in the respective categories in which they have qualified. The addition of these 5 candidates would not be to the disadvantage of any already empanelled candidate in the published list for personality test/interview in the respective branches/categories. We also clarify that this order should not be treated as a precedent.”

60. This exceptional situation cannot be made a rule. In this case, the petitioner (Ms. Divya) had an opportunity to obtain I&AC from 01.04.2021 till 21.02.2022. In fact, admittedly she obtained her EWS certificate for the F.Y. 2019-2020 on 09.10.2020 and obtained her I&AC for F.Y. 2021-2022 on 48 13.12.2022 but obtained her I&AC 2020-2021 only on 01.06.2023. If she was in a position to obtain a certificate for

F.Y. 2019-2020 on 09.10.2020 when the country was still reeling under a heightened pandemic, there is no reason why she could not have obtained her I&AC for the F.Y. 2021-2022 on any of the days between 01.04.2021 and 21.02.2022. We are not satisfied with the explanation adduced by the petitioner. Hence her claim challenging the e-mail cancelling the candidature under the EWS category is also rejected. Validity of CSE-2022 Rules – Validity of the Cut-off date:

61. The challenge made in the writ petition to declare Rules 13, 27(3) and 28 to the extent it prescribes that candidate must be in possession of a EWS certificate as on the closing date of the application for preliminary examination to be ultra vires Article 14 is only to be stated to be rejected. There is no case made out to show that the cut-off of 22.02.2022 was picked out of the hat. That was the last date for submission of the application and, according to us, it was a validly prescribed cut-off. In fact, the law laid down by this Court as discussed herein above is, where there is absence of any rule or absence of any prescription, the last day for fulfilling the eligibility is the last date of submission of the application. This is a judicially recognized default date. In this case the last date for filing of the application has been prescribed as the cut-off in the Rules and we see absolutely no case for violation of Article 14.”

21. Keeping in view the settled principle of law cited hereinbefore, any candidate, who does not fulfill the eligibility qualification upto the last date, cannot be allowed to compete in the selection process for the post. In the present case, it is a conceded position that on the last date of submission of the application forms which was 05.01.2023, the petitioners were not having the Bachelor degree in Veterinary Science and Animal Husbandary from a recognized University/institution and they were not permanently registered as a Veterinary Practitioner with the Haryana Veterinary Council.

Hence, in the absence of the essential qualification required to compete for

the post, the petitioners cannot claim eligibility to compete for the post in question and that too in violation of the qualification prescribed in the Advertisement, which is akin to the statutory qualifications prescribed under the Rules for appointment to the post of Veterinary Surgeon, hence, the claim of the petitioners that the qualification mentioned in Clause 6 of the Advertisement should be set aside, cannot be accepted unless and until there is a challenge to the Rules which prescribe the same qualification as mentioned in the Advertisement. It is a conceded position that there is no challenge to the rules governing the service according to which, the post of Veterinary Surgeon is to be filled in the Department of Animal Husbandary & Dairying Department, Haryana.

22. That being so, the qualifications, which have been prescribed under the relevant rules, cannot be set aside on the asking of the petitioners only on the ground that upto the last date of submission of form, they have not been able to obtain the said qualification to gain eligibility to compete in pursuance to the Advertisement Annexure P-1. Hence, the qualification which are statutory provided for being eligible to the post of Veterinary Surgeon, cannot be set aside by this Court and the prayer of the petitioners is accordingly rejected.

23. The further argument of the petitioners is that they should be given relaxation to get the qualification during the selection process and in case they are able to submit their degrees by the time of interview, they be treated eligible.

24. In case, the said argument of the learned counsel for the petitioners is accepted, there will be no sanctity of the last date prescribed under the Advertisement and will be contrary to the settled principle of law cited hereinbefore.

25. Not only this, the petitioners in the present petitions are at much lower footing as the petitioners do not have the essential qualification on the last date of submission of application form so as to allow them to be treated as eligible to compete for the post in question. Hence, the claim of the petitioners that they be given relaxation to present their degrees in order to attain eligibility upto the date of interview, cannot be accepted.

26. Further with regard to the argument, which has been raised by the learned counsel for the petitioners that the petitioners are being discriminated viz. a viz. the Medical Officers, who have been granted the same benefit in the year 2022, it may be noticed that there was an issue due to the pandemic of Covid-19 at the relevant time. The classes were deferred especially the classes relating to the medical education and the engineering qualification. Keeping in view the condition of pandemic of Covid-19, in February, 2022, the respondents gave extra two months to Medical Officers to present their eligibility and the Clause of the Advertisement was suitably amended by a Corrigendum to extend the last date of eligibility upto a particular date. Not only this, even the posts were also increased in the Corrigendum by which the Medical Officers were given the benefit. But there is a substantial change in a period of one year qua the pandemic of Covid-19, hence, claiming a relaxation from the Court to acquire the essential qualification does not lie.

27. It is only the Administrative Department, who has the authority/jurisdiction to grant the said relaxation/extension of time by extending the last date of application form. Merely that the said benefit was given in the previous year by a particular Department of Government of Haryana, will not give a right to the petitioners to claim the same benefit from another Department. Every Department has its own opinion about the

sanctity of the Advertisement and the Court does not have any power to amend the terms and conditions of the Advertisement on the asking of a candidate especially when, the said requirement does not prove to be arbitrary, illegal or discriminatory in any manner. Hence, the claim of the petitioners that the Health Department of State of Haryana had extended the last date of submission of form in February 2022, will not give a right to the petitioners to claim the same benefit in respect of the present Advertisement.

28. With regard to the relaxation given by the Union Public Service Commission or the Rajasthan Public Service Commission, it may be noticed that all are the statutory independent bodies and have the right to take independent decision. Merely that one statutory body has taken a decision in a particular manner will not give a right to claim that other statutory body is bound by the said decision so as to claim the benefit of relaxation qua the qualification.

29. Keeping in view the above, as the petitioners were concededly ineligible on the last date of submission of the application forms as they did not had the requisite basic qualification to compete for the post in question, no ground is made out for any interference by this Court in the present petitions and the same are accordingly dismissed.

30. A photocopy of this order be placed on the file of other connected cases.

October 19, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No