

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-5043-2024

Date of Decision :04.03.2024

Garbhit and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravinder Singh Dhull, Advocate for the petitioners.

Mr. Harish Nain, AAG, Haryana
(keeping in view advance copy served).

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, prayer of the petitioners is that the cut off date for applying for the post of Veterinary Surgeon in pursuance to the advertisement dated 11.12.2022 (Annexure P/3) issued by the respondent-department, which has now been extended to 07.03.2024 vide corrigendum dated 22.02.2024 (Annexure P-8) may kindly be extended further so as to enable the petitioners to meet the minimum required qualification for the post in question.

2. Learned counsel for the petitioners argues that the respondent-department issued an advertisement No.08/2021, advertising posts of Veterinary Surgeon in the Animal Husbandry and Dairying department, Haryana but the said advertisement was later on withdrawn and again a fresh advertisement being advertisement No.41/2022 dated 11.12.2022 was issued.

Learned counsel for the petitioners further submits that written test in pursuance to the said advertisement has already been conducted on 15.01.2023 but recruitment process could not be completed keeping in view the interim order dated 09.02.2023 (Annexure P-4) passed by this Court in CWP-2710-2023.

3. Learned counsel for the petitioners submits that later on, written test already conducted for the post in question was cancelled and a fresh date for written examination was announced however, no written examination has been conducted so far.

4. Learned counsel for the petitioners submits that vide corrigendum dated 22.02.2024, the candidates who had not applied earlier, have been asked to apply afresh and the cut off date has been prescribed as 07.03.2024. Learned counsel for the petitioners argues that the petitioners, who are pursuing their bachelor degree in Veterinary Science and Animal Husbandry, which is a minimum qualification required for the post in question, are yet to complete the said degree and they are likely to complete the same within a period of one month hence, the respondents are liable to be directed to extend the last date for filling up the application form, till the petitioners complete their bachelor degree in Veterinary Science and Animal Husbandry and gain eligibility to compete for the post in question.

5. Keeping in view the advance copy served, Mr. Harish Nain, AAG, Haryana appears for the respondent-State and submits that fixation of cut off date is the prerogative of the department unless and until the same is shown to be arbitrary and illegal or without jurisdiction and the Court should not interfere in the same.

6. I have heard learned counsel for the parties and have gone

through the record with their able assistance.

7. The assertion of the petitioners is that as they are not eligible as of now so as to compete for the post in question but they are likely to complete their bachelor degree in Veterinary Science and Animal Husbandry within a period one month hence, till the date they become eligible, the respondents be directed to stop the selection process for filling up the posts of Veterinary surgeon as advertised by the respondent-department and to give claim to the petitioners to compete for the post in question.

8. It may be noticed that the posts were advertised in the year 2021 and due to one or other impediment, the said posts could not be filled up and now by giving another opportunity to all the eligible candidates, cut off date for applying afresh for the post in question is fixed as 07.03.2024. Once, the department has decided to make selection and has fixed the cut off date as 07.03.2024, this Court will not like to interfere in the said decision of the respondent-department especially, when no illegality in fixation of the said cut off date has been pointed out before this Court by the learned counsel for the petitioners.

9. The only reason advanced on behalf of the petitioners is that as the petitioners are yet to complete their bachelor degree in Veterinary Science and Animal Husbandry and are likely to gain eligibility for applying for the post in question within a period of one month, the cut off date to apply for the post in question be extended, which reason cannot be treated as valid hence, the action of the respondents in fixing the cut off date for applying for the said posts as 07.03.2024, which is the prerogative of the department only, cannot be treated as illegal and arbitrary. This Court will not like to interfere in the said decision. In case the prayer of the petitioners is accepted then the

selection process will not be finalized as one or the other candidate will come to the Court and present his/her case for extension of cut off date on the ground of his/her ineligibility to compete for the post in question.

10. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference is made out by this Court and the present petition is accordingly dismissed.

March 04, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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