

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-8855-2021 (O&M)
Decided on :18.04.2024

PAWAN KUMAR

.PETITIONER

Versus

STATE OF HARYANA AND ANR

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Govind Mor, Advocate for
Mr. Jasbir Mor, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the petitioner is claiming selection on the post of pharmacist as advertised vide advertisement No. 15/2019 (category No. 5) dated 07.09.2019 (Annexure P-1) on the ground that the petitioner has secured more marks than the last selected candidate in the category in which he was competing i.e. BCA category in the final result for the post in question.

2. In the reply, the respondents have stated that keeping in view the cut-off date for submission of application form for the post in question, which was 10.11.2020, the petitioner was not eligible for selection on the post in question as he was not having the pharmacist registration certificate on the last date of submission of application form, which was a mandatory qualification required to be obtained by a candidate as per the terms and conditions mentioned in the advertisement, hence, the petitioner was not eligible and he was rightly ousted from the zone of consideration for the

post in question.

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

4. Once it is a conceded fact that the petitioner was not eligible on the last date of submission of the application form for the post in question as concededly he was not having pharmacist registration certificate, which was essential qualification for the post in question, the petitioner could not claim appointment on the post in question, even if the petitioner has secured more marks than the last selected candidate in his respective category. The eligibility of a candidate is to be adjudged first and then only the marks secured by the candidate are taken into consideration for further selection process.

5. Once, the petitioner failed to prove his eligibility qua the qualification required to be obtained as per the advertisement upto the the last date of submitting the application form for the post in question, no benefit of appointment can be granted to the him. Hence, keeping in view the facts and circumstances of the present case recorded herein above, no ground is made out for interference in the present petition, hence the same stands **dismissed**.

6. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

18.04.2024

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No