

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2024:PHHC:103169-DB

[LPA-612-2023](#) (O&M)

Reserved on 06.08.2024

Pronounced on 09.08.2024

Harpreet Kaur

...Appellant

Versus

State of Haryana and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Ms.Sonia G.Singh, Advocate for the appellant.
Mr.Maninder Singh, Sr. DAG, Punjab.
Ms.Divya Godara, Advocate for respondent No.5.

SUDEEPTI SHARMA, J.

1. The present Letters Patent Appeal (LPA) is filed against the order dated 15.02.2023, passed by the learned Single Judge of this Court in CWP No.3102 of 2023, whereby the writ petition filed by the appellant-petitioner herein for quashing of the provisional select list of Science Master cadre prepared on 16.12.2022 by the respondents was dismissed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case are that, the appellant-petitioner appeared in the two years B.Ed Course for the session 2015 to 2017. Online provisional result for 4th Semester dated 06.03.2017 was shown as 'RLR/Pass' which means that there is some technical defect in the registration of the appellant with the University. The State of Punjab issued an advertisement dated 08.01.2022 inviting applications to fill the backlog as well new vacancies under various posts of Master cadre. Since the appellant was possessing B.Sc., B.Ed. degrees, she applied for Master Cadre (Science) in General category, and was issued Roll

Number as well. The relevant portion of Educational qualification for the subject of Science as per advertisement is as under:-

“Educational Qualification

Subject of Science

a) Science (Non Medical)

(i) Should have passed B.Sc. with 45% marks in the case of General Category candidates and 40% marks in the case of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Backward Classes and Physical Handicapped Candidates from a recognized university or institution with any of the two subjects i.e. physics Chemistry and Mathematics or should have passed B.Sc. in Physics and Mathematics or any other equivalent qualification, but certificate of equivalency should be given by the concerned University as per guidelines of the University Grants Commission; and

(ii) Should have passed B.Ed from a recognized university or institution with Science as one of the teaching subject as per guidelines of the University Grants Commission.

b) Science (Medical)

(1) Should have passed B.Sc. with 45% marks in the case of General Category candidates and 40% marks in the case of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Backward Classes and Physical Handicapped Candidates from a recognized university or institution with any of the two subjects i.e. Biology, Physics and Chemistry or B.Sc. Honours) in either of these subjects or B.Sc (life science) or B.Sc (Physical Science) or B.Sc (Bio-technology) or B.Sc (Honours) or B.Sc (Industrial Microbiology) or B.Sc (Micro-biology) or B.Sc (Bio-physics) or B.Sc (Bio-chemistry) or B.Sc (Microbial, Food Technology, Chemistry) or B.Sc. Industrial Chemistry or B.Sc. Food Science and Quality Control or B.Sc. Microbial food Technology any other equivalent qualification, but certificate of equivalency should be given by the concerned University as per guidelines of the University Grants Commission; and

(ii) Should have passed B.Ed from a recognized university or institution with Science as one of the teaching subject as per guidelines of the University Grants Commission.”

3. The last date for submission of the applications was 30.01.2022 as per the advertisement which was later on extended to 15.05.2022, and the appellant appeared in the written examination and secured 98 marks out of 150. Vide letter dated 22.11.2022, all the candidates who secured 85 marks and above, were called for scrutiny of original documents. Since the appellant-petitioner was not called for scrutiny of documents despite the fact that she

secured more marks than the cut-off marks, therefore, she made a representation to the authority concerned which was not replied to.

4. A perusal of the record shows that the appellant-petitioner submitted a representation to the department concerned, stating therein that due to financial hardship and serious illness of her father, she was unable to pay the requisite fee to obtain her certificate from University. Though the result was declared on 06.09.2017 and she was declared pass in the same, but the certificate of B.Ed degree was received on 10.10.2022.

5. The writ petition filed by the appellant-petitioner was rejected by the learned Single Bench on the ground that the last date for submission of the required certificate was 15.05.2022 and the date of issuance of certificate of B.Ed course is 10.10.2022 i.e. after the cut-off date of eligibility.

SUBMISSIONS OF THE COUNSELS

6. Learned counsel for the appellant-petitioner contends that though the appellant-petitioner was meritorious and secured 98 marks out of 150 and was eligible as per the advertisement but only because of the date of issuance of B.Ed. certificate, she has not been appointed. She further contends that because of financial condition of the appellant-petitioner, she was not able to deposit the requisite fee for obtaining certificate well in time.

7. Per contra, learned State counsel submits that the certificate of B.Ed degree was issued after the cut-off date, therefore, the appellant-petitioner cannot be appointed.

OBSERVATION OF THIS COURT

8. **The question to be determined by this Court is as to whether the date of passing of examination or the date of issuance of certificate is**

required to be seen/taken into consideration for the purposes of recruitment.

9. For proper adjudication of this question, the best example can be taken from this particular case. Perusal of the record shows that Annexure P-11 is the receipt of deposit of the amount of Rs.2500/- dated 22.09.2022. Annexure P-12 is the certificate of B.Ed degree dated 10.10.2022 which is reproduced as under:-

“Serial/H No. 017350

Roll No. 13626

Registration No. 5112-15-103

Punjabi University Patiala
(Established under Punjab Act No.35 of 1961)
Bachelor of Education

Certified that Harpreet Kaur son/daughter of Shri Tarsem Singh and Smt. Bhinder Kaur, of Mai Bhagu College of Education (for Girls), Ralla (Mansa) has been awarded the degree of Bachelor of Education (Two Year Course) having passed the said examination in May 2017.

Division First

Medium of Examination English

Given under the seal of the University

Sd/-Registrar

Sd/- Chancellor

Sd/- Vice-Chancellor

Patiala October 10, 2022”

10. Perusal of the record shows that there is no dispute regarding date of result of B.Ed examination i.e. 06.09.2017, which is already placed on record as Annexure P-5. Further, the appellant secured 98 marks out of 150, and all the candidates who secured 85 marks and above, were called for scrutiny of original documents. It further shows that the appellant-petitioner has produced all the educational qualification certificates as per criteria fixed in the advertisement dated 08.01.2022 before the respondents and she was issued Roll Number and appeared in the written examination. There is no dispute regarding the fact that the appellant-petitioner also appeared in the counseling with original

documents, and since date of issuance of certificate of B.Ed. was 10.10.2022, the appellant-petitioner was denied appointment.

11. A perusal of the certificate shows that the appellant passed B.Ed examination in May, 2017. Since she did not deposit the requisite fee because of the financial condition of the family and deposited the same vide receipt dated 22.09.2022, the certificate of degree of B.Ed was issued on 10.10.2022. Once it is certified in the degree of Bachelor Education for two years course, that the appellant passed the examination in May, 2017, the recruitment agencies who are presumed to be consisting of members of experts, who read the certificates in its correct perspective, rather than going into the date of issuance of certificate, should consider the date of passing of the examination.

12. These are all procedural lapses/delays for which the students/candidates/ aspirants for job should not suffer. Apart from this, we have observed in other matters also, some time there is lapse/delay on the part of certain educational institutions, in issuance of marks sheet/degrees. Therefore, the recruitment agencies should take into consideration the date and year of passing of the examination and not the date of issuance of the certificate. It is further clarified that if in any exceptional cases there is some doubt regarding authenticity of the marks sheet/date of declaration of results, the candidate should be issued appointment letter subject to the condition of their being retained in the job as per the verification of the educational qualification certificates with respect to the date and authenticity of the document. It would reduce the unnecessary litigation and would encourage all the meritorious candidates. The recruitment agencies should be prudent

enough to select the best candidate by ignoring procedural lapse(s) in the documents.

13. A perusal of the record shows that the appellant-petitioner secured 98 marks out of 150 and in provisional merit list, rank 1st has secured 112 marks and 57th rank in General Category has secured 98 marks and total vacancies are 322 as per advertisement and the last candidate in the merit list has secured 87 marks. Therefore, the appellant-petitioner being meritorious candidate cannot be denied appointment for procedural lapse(s).

CONCLUSION

14. Poverty is a hard reality of life, and poor parents often sacrifice their own needs, even cutting back on meals, to provide the best education for their children. Despite the family's financial struggles, meritorious candidates like the appellant-petitioner should not be overlooked, as doing so would discourage such candidates. It is not the case of the respondents that the appellant-petitioner was ineligible before the cut-off date, nor did she fail to produce the provisional result for her 4th Semester, dated 06.09.2017.

15. It is not the case of the respondents that the appellant-petitioner did not submit the requisite document before the cut-off date. The only dispute in the present case is that the certificate is dated 10.10.2022.

16. In the competitive examinations, the candidates work hard and make their best efforts to secure good marks, therefore, only because of the date of issuance of degree/certificate, they should not be denied appointment as these are only procedural delays/lapses.

17. It is held and made clear to all the recruitment agencies of Punjab, Haryana and Union Territory, Chandigarh that in such kind of cases where the date or year of passing of the examination is mentioned, the date of issuance of certificate or degree should be totally ignored. The best example is the case in hand wherein the appellant-petitioner passed the B.Ed. examination successfully in May, 2017 whereas due to financial condition, she could not deposit the requisite fee in time and her certificate/degree of B.Ed., was delayed and the date mentioned therein is after the cut-off date as mentioned in the advertisement for submission of application forms.

18. In view of the above, it is held that the date of passing of the examination would be considered in every document by the recruitment agencies and not the date of issuance of degrees.

19. In view of the above, the present appeal is allowed and the judgment dated 15.02.2023 passed by learned Single Judge is set aside. The respondents are directed to give appointment letter to the appellant-petitioner forthwith.

20. Pending application(s) if any, also stand disposed of.

[SURESHWAR THAKUR]
JUDGE

[SUDEEPTI SHARMA]
JUDGE

09.08.2024
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Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No.