

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

CWP-9919-2020 (O&M)
Date of Decision: 26.07.2024

Akhilesh Solanky

...Petitioner

Versus

Haryana Staff Selection Commission

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S.K. Hooda, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

AMAN CHAUDHARY, J.

1. The grouse of the petitioner is the non-consideration of his candidature against the ESM BCA category, being dependent of ex-serviceman.
2. At the outset, it would be apposite to refer the relevant portion of the advertisement, which reads thus:

“14. The dependents of ESM will include wife/widow, dependent sons/daughters and who fulfill all conditions of qualifications; age etc. prescribed for posts & will be considered on merit for the posts reserved for ESM to the extent of non-availability of suitable ESM candidates.

15. DESM candidates of Haryana claiming benefit must have valid eligibility certificate on the last date of submission of online application form and will have to produce the valid Eligibility Certificate from the concerned Zila Sainik Board when called upon to do so by Haryana Staff Selection Commission. Mere dependent certificate will not be entertained. ESM candidates should also produce attested photo copy of Identity Card issued by concerned Zila Sainik Board & Discharge Book whenever required.”

3. Pertinently, in accordance with the advertisement dated 15.06.2019, the petitioner had applied for the post of Junior Engineer (Civil) under the category of ESM-BCA. Post the scrutiny of documents on 18.11.2019, his name

did not appear in the final list on account of the fact that his DESM certificate was issued on 14.10.2019, while 10.08.2019 was the last date for submission of applications, on which he ought to have been in possession of a valid certificate to substantiate his claim of consideration in the said category, as mandated. Thus, the action of the respondents cannot be faulted with.

4. Trite to say that the cut-off date for showing eligibility is sacrosanct, which cannot be deviated. The pivotal point of the requisite certificate being issued subsequent to the submission deadline is a ground sufficient enough to non-suit a candidate.

5. The petitioner seeking to rely on a relationship certificate dated 22.10.2019, Annexure P-8, that too issued even after the date of issuance of required certificate is understandable. A candidate must be cautious to apply for the essential documents in time, so as to stake claim to a particular category. It is no good crying over spilt milk.

6. Resultantly, the present petition is hereby dismissed being sans merit.

(AMAN CHAUDHARY)
JUDGE

26.07.2024
Hemant

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