

**CWP-14446-2014****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(206)****CWP-14446-2014****Date of Decision : November 25, 2024****Sunita Kumari****.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Rashika, Advocate and
Mr. Nimish Gautam, Advocate, for
Mr. Dheeraj Mahajan, Advocate, for the petitioner.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

Mr. Peeush Gagneja, Advocate, for respondent No.3.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance raised by the petitioner is that though the petitioner belongs to the reserved category of backward class but she is being considered in the General category, which is causing prejudice to her.

2. Upon notice of motion, the respondents have filed the reply wherein, they have stated that the backward class certificate, which has been submitted by the petitioner, was issued after the last date of submission of the application forms hence, the said certificate cannot be taken into account as the eligibility of a candidate is to be seen on the cut off date and not thereafter.

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



CWP-14446-2014

2

4. It may be noticed that the eligibility of a candidate to compete for a particular post and to claim reservation is to be seen on the last date of submission of the application form. Concededly, the petitioner did not had the backward class certificate on the last date of submission of the application form and therefore, she was found ineligible in BC category and her claim has been considered in the General category.

5. As per the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.7677 of 2021 titled as The State of Bihar and others vs. Madhu Kant Ranjan and another, decided on 16.12.2021***, the conditions mentioned in the advertisement are sacrosanct and are required to be complied with strictly without there being any relaxation and any document which is not attached or not produced by the candidate as per the terms and conditions of the advertisement, the candidature of the said candidate can be rejected. The relevant paragraph 9 of the judgment 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



CWP-14446-2014

3

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.”

6. Learned counsel for the petitioner has not been able to dispute that keeping in view the judgment of the Hon’ble Supreme Court, the eligibility of the petitioner is to be seen on the last date of application.

7. Learned counsel for the petitioner places reliance upon the judgment in ***Civil Appeal No.1691 of 2016 titled as Ram Kumar Gijroya vs. Delhi Subordinate Services Selection Board and another, decided on 24.02.2016.***

8. The said judgment will not be applicable in the facts and circumstances of the present case as in the said case, the candidate was having the reserved category certificate before the cut off date but the same was only submitted after the last date of submission of application form whereas, in the present case, even the certificate has been issued after the last date of submission of application.

9. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

10. Dismissed.

November 25, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No