

**CWP-17928-2016****1****IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****(217)****CWP-17928-2016****Date of Decision : July 18, 2024****Mandeep Kaur****.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Loveinder Kaur, Advocate, for the petitioner.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

Respondent No.3 proceeded ex parte  
vide order dated 13.09.2019.**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the grievance being raised by the petitioner is that the petitioner competed for the post of Art and Craft Teacher as advertised by the respondents vide Advertisement dated 09.09.2012 but she has not been selected for the post in question and the candidates lower in merit have been appointed.

2. It may be noticed that the petitioner competed for the post in question in the reserved category of ex-serviceman/dependent of ex-serviceman however, the petitioner did not attach any supporting document along with the application form to prove that she is a dependent of ex-serviceman. At the time of scrutiny of the documents, the said objection was taken and the candidature of the petitioner has been cancelled, which action of the respondents is under challenge in the present writ petition.

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3. Learned counsel for the petitioner argues that once, as per the certificate dated 29.06.2015, the petitioner has been described as dependent of ex-serviceman, even if the said document was not attached while filling the application form, the petitioner cannot be disqualified as the factual aspect remains the same that the petitioner is dependent of ex-serviceman hence, the respondents were under an obligation to consider the petitioner eligible for the post in question under the reserved category of dependent of ex-serviceman.

4. Learned State counsel submits that once, till the last date of submission of application form i.e. 08.10.2012, no certificate issued by the competent authority terming the petitioner as dependent of ex-serviceman, was issued and attached, the claim of the petitioner cannot be considered in the ESM category as the petitioner failed to prove her entitlement to compete in the reserved category of ex-serviceman.

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

6. The facts which have been mentioned hereinbefore are not in dispute.

7. Learned counsel for the petitioner conceded that the last date for filling up of the application form for the post in question was 08.10.2012 whereas, the dependent upon ex-serviceman certificate was only issued on 29.06.2015.

8. Under these circumstances, keeping in view the settled principle of law settled by 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 documents showing the eligibility as per the eligibility conditions in the advertisement, have to be obtained before cut off date unless and until the last date is extended by the recruiting authority and only those documents which are submitted along with the application form, are required to be seen and any document submitted after the last date of submission of application form, cannot be taken into account. The relevant paragraph 9 of the said 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 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.”*

9. In the present case also, the document issued by the competent authority showing the petitioner being dependent of ex-serviceman was issued three years after the last date of submission of application forms.

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Hence, as per the judgment of the Hon'ble Supreme Court of India in ***Madhu Kant Ranjan's case (supra)***, the petitioner cannot be allowed to claim eligibility for the post in question keeping in view the facts and circumstances mentioned hereinbefore.

10. No ground is made out for any interference by this Court in the present case.

11. Dismissed.

**July 18, 2024***harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No