



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

CWP-18169-2016 (O&M)

Date of Decision : 04-09-2024

.....Petitioner

VERSUS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naresh Jain, Advocate
for the petitioner.

Mr. Swapan Shorey, DAG Punjab.

Mr. Abhishek Kaushik, Advocate
for respondent No.3.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance being raised by the petitioner is that the petitioner has been ousted from the zone of consideration for competing for the post of Lecturer as advertised on 20.11.2015, copy of which has been appended as Annexure P-7.

Learned counsel for the petitioner submits that the petitioner applied for the post in question but, at the time of the scrutiny, the petitioner was declared ineligible on the ground that the proof of obtaining the minimum qualification required to compete was after the last date of the application form.

Learned counsel for the petitioner submits that though, it is conceded fact that while filling the application, the proof of having the minimum qualification could not be attached as the same was applied but the Punjabi University of Patiala did not granted the said marksheet to the petitioner in time i.e. before the last date and therefore, non-attachment of the proof qua the minimum qualification required to compete, was due to inaction on the part of the University and not due to any inaction on the part of the petitioner and therefore, the respondents are liable to be directed to consider the claim of the petitioner against one of the advertised post in the Lecturer in the BC category wherein, 9 posts were to be filled up.

Upon notice of motion, the respondents have filed the reply and as per the respondents, once the petitioner did not attach the requisite proof of being eligible keeping in view the documents issued before the last date of the application form, the petitioner cannot be declared eligible to compete.

Learned counsel for the respondent submits that all the other candidates, who have been considered eligible and selected and appointed, had attached the proof of their eligibility along with the application form and therefore, the petitioner cannot preferred over and above those candidates to be considered eligible so as to oust one of the said selected candidates.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

As per the settled principle of law that all the documents are required to be attached along with the application so as to claim the eligibility. The judgment of the Hon'ble Supreme Court of India in

Civil Appeal No.7677 of 2021 titled “The State of Bihar and ors. Vs. Madhu Kant Ranjan and anr.” decided on 16.12.2021, wherein it has been held 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.

10. In view of the above and for the reasons stated above, the present appeal succeeds, the impugned judgment and order passed by the Division Bench of the High Court is hereby quashed and set aside and judgment and order passed by the learned Single Judge dismissing the writ petition is restored. In the facts and circumstances of the case, there shall be no order as to costs.”

It is a conceded fact that whether the petitioner never attached the proof of the eligibility while filling up the application form, as the petitioner was not having the marksheet for the examination which was the minimum qualification required upto the last date. Once, the petitioner never attached the proof of his eligibility, and even otherwise the proof of eligibility was obtained by the petitioner after last date of the application form, the petitioner cannot be considered eligible so as to the oust a candidate, who fulfils all the requisites of the advertisement to compete.

The argument of the learned counsel for the petitioner is that the respondent-University failed to deliver him the marksheet before the last date and therefore, the University should have been made liable in case, the petitioner is aggrieved against any action of the University, the same cannot cause prejudice to the other selected candidates who have been selected an appointment as they fulfil all the requisites of the advertisement dated 20.11.2015 (Annexure P-7) and complied with the terms and conditions of the advertisement 20.11.2015 (Annexure P-7). In case, the petitioner is aggrieved against any action, he can avail appropriate remedy for redressal of his grievance.

Keeping in view the facts and circumstances of the present case, no ground is made to grant the petitioner the eligibility so as to the oust another person eligible and selected candidate who is working for the last more than 8 years.

In view of above, the present petition is dismissed.

Pending application, if any, also stands disposed of.

04-09-2024

Sapna Goyal

(HARSIMRAN SINGH SETHI)

JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO