

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(228)

CWP No. 17639 of 2020
Date of Decision : 30.01.2024

Hardik Dhull

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Akhil Kamra, Advocate for
Mr. Nilesh Bhardwaj, Advocate for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance of the petitioner is that the petitioner has been ousted from the zone of consideration for appointment to the post of Junior Engineer as advertised vide Advertisement No. 10/2019 dated 15.06.2019, a copy of which has been appended as Annexure P-2.
2. Learned counsel for the petitioner argues that the petitioner had applied under the Category of Eligible Sports Person but, the petitioner has been declared ineligible though, the petitioner had secured 43 marks in the written examination and a candidate having 16 marks has already been selected in the category in which the petitioner is claiming appointment.
3. Upon notice of motion, the respondents have filed the reply, wherein, they have mentioned that the gradation certificate, which was

the necessary documents to show the eligibility, was not appended along with the application form and the claim, which is being made in the present petition, is based upon the gradation certificate dated 21.11.2019, which is issued after the last date of submission of application form. Learned counsel for the respondents submits that keeping in view the terms and conditions of the Advertisement, the petitioner has rightly been declared ineligible.

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

5. The only question, which arise is whether the petitioner is to be treated eligible for competing for the post in question or not keeping in view the terms and conditions of the Advertisement.

6. Concededly, the petitioner is competing for the post of Junior Engineer under the reserved category of Eligible Sports Person. As per Clause 3.1 of the Advertisement, the scanned copy of the certificate is to be attached along with the application form. The Clause 3.1 is reproduced hereunder for the ready reference :-

“3.1 Documents to be uploaded with Application Form (MANDATORY)”

1. *Scanned Copy of Essential Academic Qualifications and Matriculation Certificate showing Date of Birth and other relevant details.*
2. *Scanned Copy of SC/BCA/BCB/EWS/ESP/ESM/DESM/DFF/PWD (Person with Disabilities) certificate along with Haryana domicile Certificate issued by competent authority.*
3. *Scanned copy of Certificate claiming weightage/marks under socio-economic criteria and experience*

alongwith Haryana domicile Certificate issued by competent authority.

4. *Scanned Photo duly signed by the Candidate.*
5. *Scanned signatures of the Candidate.*
6. *Scanned copy of all documents showing higher qualification, experience etc. on which basis candidate claim marks.”*

7. It is a conceded position that on the date when the petitioner filled an application form, he was required to submit a gradation certificate under the Gradation Policy dated 25.05.2018 whereas, the said gradation certificate was not submitted by the petitioner and rather, the same was only issued to the petitioner after the last date of filling up the application form and it is a conceded position that the same was not part of the application form. The gradation certificate, which was submitted by the petitioner under the Old Policy, was of no use. Keeping in view the judgment of Division Bench of this Court that for seeking appointment under ESP quota, gradation certificate issued under the Policy dated 25.05.2018 is only valid.

8. Not only this, under Clause 3.2 of the Advertisement, the eligibility was only to be seen with regard to documents, which are uploaded by the candidates. It is a conceded position that the gradation certificate dated 21.11.2019, on the basis of which the eligibility is being claimed, was not the part of the application form. Clause 3.2 is reproduced hereunder :-

“3.2 Scrutiny of Documents:- Only those document which are uploaded by the candidates shall be considered. If there

is any variation in the document uploaded and produced at the time of scrutiny candidature shall be liable to be cancelled. If any application is found without uploading requisite supporting documents and other relevant information, the candidate himself/herself shall be responsible for that and his/her candidature would be liable to be cancelled due to lack of proper or correct documents/information.”

9. Keeping in view the fact that the gradation certificate dated 21.11.2019 was never attached with the application form, the petitioner has rightly been rejected as ineligible candidate.

10. Learned counsel for the petitioner argues that the petitioner submitted a particular gradation certificate at the time of scrutiny of the documents but concedes that same was not as per Sports Gradation Policy issued in the year 2018 which was must. Mere submission of invalid sport gradation certificate will not suffice as the documents, which were required to be appended along with the application form, were only to be checked during scrutiny and it is a conceded position that the gradation certificate dated 21.11.2019 was not part of the application form, hence, petitioner has rightly been ignored so as to be declared ineligible for the post in question.

11. Keeping in view the above, once the claim of the petitioner has been considered in the terms and conditions of the Advertisement and as per the said terms and conditions, the petitioner did not fulfill the eligibility or the requirement to be eligible to compete for the post in

question, declaring the petitioner ineligible, need no interference by this Court.

12. Dismissed.

January 30th, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No