



CWP-16304-2024

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

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CWP-16304-2024

Date of Decision: 18.07.2024

ANITA RANI

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Ankit Chahal, Advocate
for the petitioner.

Mr. R. S. Budhwar, Additional A. G., Haryana.

Mr. Kanwal Goyal, Advocate
for respondents No.2 and 3/Commission.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 15.05.2024, Annexure P-13, passed by the third respondent, whereby the petitioner's candidature has been considered as a General category candidate since he was not found eligible under Dependent of Ex-Serviceman (DESM) category for want of requisite certificate.

2. Learned counsel for the petitioner contends that the Commission had earlier issued advertisements 13 of 2019 and 32 of 2022 for the posts of Post Graduate Teachers (PGTs) –Mathematics; the advertisements were later withdrawn. The posts were re-advertised vide the instant advertisement 29 of 2023. As per conditions contained therein, the eligibility conditions with regard to age, fee deposition and having qualified HTET are to be considered as per the cut-off date of the earlier two advertisements,



against which the candidates had earlier applied. Since the petitioner had submitted a valid DESM Certificate, Annexure P-12, in response to the earlier advertisements, and its validity had been renewed upto 31.01.2023, she remained eligible for the posts later advertised vide advertisement 29 of 2023 also. And her candidature could not have been rejected.

3. Learned counsel for the Commission, appearing on advance notice, however contends that as per specific conditions in the advertisement, the candidates belonging to DESM/ Dependents of Freedom Fighters (DFF) categories were required to submit eligibility certificates valid on the closing date for submission of online application form. Since the petitioner admittedly did not submit any such certificate, her candidature was rightly rejected. At the same time, as per law she was considered for the post under General category, but could not be selected being lower in merit, as per the final result declared on 07.06.2024.

4. Considering the submissions made by learned counsel for the parties, it is apparent on record that the applicants, who belong to DESM category were specifically required to submit valid eligibility certificates showing their eligibility under the category on the closing date for submission of the application form, 18.07.2023. The eligibility was to be determined on the basis of conditions laid down for the purpose, as incorporated in the advertisement itself. The eligibility of a candidate under DESM category is dependent upon financial standing of the candidates, *inter alia*, requiring that the person concerned should not be engaged in any kind of employment at the relevant time. Hence the need for a fresh certificate to determine eligibility on the cut-off date. Therefore, no exception can be taken to the condition



establishing entitlement under the category, and rejection of the petitioner's candidature on failing to do that.

5. This view is in line with the law laid down by this Court in CWP No.12362 of 2017 titled *Bharti Singh v. State of Haryana and others*, relevant paragraph whereof reads as under:

10. Further, the definition of DESM category candidate, as notified in the advertisement, shows there is an income criterion attached thereto. To be eligible under the category, a candidate's monthly income cannot be more than ₹6,000, the upper limit prescribed by government instructions dated 01.12.2003. This condition is required to be satisfied on or before the closing date by submitting the latest eligibility certificate, which itself underscores the need to submit DESM certificate along with the application form to establish the monthly income at that time. Evidently, the eligibility of such candidates is not to be determined only on account of their being progeny of Ex-servicemen; there are other conditions attached to it, like the monthly income from sources other than employment, which is variable in nature and can differ periodically. Hence, the requirement to send the requisite eligibility certificates along with the form to determine eligibility on the closing date. Failure to do so will invite rejection of the application which has been rightly done in the petitioner's case.

6. Accordingly, there is no merit in the petition and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

18.07.2024
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>