

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

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2024:PHHC:016659-DB

LPA-360-2022

Date of Decision: 07.02.2024

Rajbir Singh

.....Appellant(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Sukesh K. Jindal, Advocate,
for the appellant.

Mr. Deepak Balyan, Addl. A.G., Haryana.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. The present letter patent appeal seeks consideration of the order passed by the Single Judge whereby the writ petition i.e. CWP No. 18396 of 2021 filed by the appellant-petitioner was dismissed on 16.09.2021.

2. The Single Judge has rejected the challenge to the orders which have been passed by the authorities whereby the order for the appointment of the appellant-petitioner as Driver were cancelled on 27.06.2012 (Annexure P-7) on account of the fact that the matriculation certificate was issued by Janki Samark Netaji Vidyalaya, Pankha Road, New Delhi. As per the opinion of the Director, Secondary Education, Haryana, the said institute had been declared in the list of self-styled institution and bogus and directions have been issued in various writ petitions way back in 1996-97 that no appointment would be given to a candidate where educational qualifications were secured from these educational institutions. Resultantly, keeping in view the terms of the appointment letter

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dated 21.06.2008 (Annexure P-3), the termination order was upheld.

3. A perusal of Clause 8 of the appointment letter dated 21.06.2008 (Annexure P-3) would go on to show that the attested copies of the educational and professional qualifications and matriculation certificate were to be furnished which were to be checked and verified by the concerned General Manager, Haryana Roadways. If it was found that there was material discrepancy in the educational qualifications, the offer of appointment would be treated as null and void. The advertisement in question (Annexure P-1) specified that the educational qualification has to be 10th class with Hindi from any recognized Board or University. The Single Judge found that there was no dispute with the factual aspect that the matriculation certificate was not by a recognized Board. The argument as such that the condition was contrary to the Haryana Transport Department (Group C) Haryana Roadways Service Rules, 1995 was met with the reasoning by the Single Judge that challenge to the condition of matriculation incorporated would not be permissible in the year 2021 .

4. Counsel for the appellant has submitted that the appellant had been availing his remedies in accordance with law and only after dismissal of his appeal on 15.03.2019 (Annexure P-8) and the mercy appeal, he had approached this Court and there was no such delay on his part.

5. We are not convinced with the argument now raised. Having accepted the advertisement itself and applied under it and having been successful and getting the appointment, the appellant now cannot be permitted to wriggle out of the terms and conditions of the advertisement. It has been held by various Full Benches of this Court, in admission matters also, that the advertisement has got the force of law. The proposition of law that the advertisement has a binding force and would govern the parties stands established beyond a cavil of doubt. Six Full Benches of this Court in ***Amardeep***

Maharishi Dayanand University 1994(2) S.C.T. 766, Sachin Gaur v. Punjabi University 1996(1) S.C.T. 837, Rahul Prabhakar v. Punjab Technical University, Jalandhar 1997(3) S.C.T. 526, Indu Gupta v. Director of Sports, Punjab 1999(4) S.C.T. 113 and Rupinder Singh and others v. The Punjab State Board of Technical Education & Industrial Training, Chandigarh and others 2001(2) S.C.T. 726 have held to that effect. The relevant observations made in *Rahul Prabhakar's case (supra)* read as under:-

"7. A Full Bench of this Court in Amardeep Singh Sahota v. State of Punjab, (1993) 4 SLR 673 : 1993(4) SCT 328 (P&H) (FB) had to consider the scope and binding force of the provisions contained in the prospectus. The Bench took the view that the prospectus issued for admission to a course, has the force of law and it was not open to alteration. In Raj Singh v. Maharshi Dayanand University, 1994 (4) RSJ 289 : 1994(2) SCT 766 (P&H) (FB) another Full Bench of this Court took the view that a candidate will have to be taken to be bound by the information supplied in the admission form and cannot be allowed to take a stand that suits him at a given time. The Full Bench approved the view expressed in earlier Full Bench that eligibility for admission to a Course has to be seen according to the prospectus issued before the Entrance Examination and that the admission has to be made on the basis of instructions given in the prospectus, having the force of law. Again Full Bench of this Court in Sachin Gaur v. Punjabi University, 1996 (1) RSJ 1 : 1996 (1) SCT 837 (P&H) (FB) took the view that there has to be a cut off date provided for admission and the same cannot be changed afterwards. These views expressed by earlier Full Benches have been followed in CWP No. 6756 of 1996 by the three of us constituting another Full Bench. Thus, it is settled law that the provisions contained in the information brochure for the

Common Entrance Test 1997 have the force of law and have to be strictly complied with. No modification can be made by the Court in exercise of powers under Article 226 of the Constitution of India."

6. Having accepted the advertisement and having secured an appointment, now the appellant cannot turn around and say that the condition was contrary to the Rule. Even otherwise, we are of the considered opinion that the condition is salutary considering the appointment being for a heavy vehicle and all candidates would have to comply with the same.
7. Keeping in view the above, we do not find any reason to interfere with the order dated 16.09.2021 passed by the Single Judge in CWP No. 18396 of 2021 and the present appeal is accordingly dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

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(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No