



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CWP-19937-2024
Date of Decision:20.08.2024

SUMA DEVI

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Madan Pal, Advocate
for the petitioner.

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

Mr. Balvinder Sangwan, Advocate
for respondent No.3.

Ms. Promila Nain, Sr. Panel Counsel
for respondent No.5-UOI.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the notice, dated 19.06.2024, whereby result of UGC-NET examination conducted in June, 2024, was cancelled after receiving inputs from National Cyber Crime Threat Analytics Unit of Indian Cyber Crime Coordination Center (I4C) under the Ministry of Home Affairs; and writ of *mandamus* directing the fourth respondent/University Grants Commission (UGC) to declare the result of UGC-NET examination conducted in June 2024.



2. At the outset, learned counsel for the petitioner contends that the petitioner does not press these prayers, and may be allowed to withdraw the same.

3. Permitted to do so.

4. The petition *qua* the aforesaid prayers, accordingly, stands dismissed as withdrawn.

5. The third prayer in the petition is to issue a writ of *mandamus* directing the third respondent/Haryana Public Service Commission to treat the petitioner eligible for the post of Assistant Professor (College Cadre) in response to advertisement nos. 42 to 67 of 2024, published on 02.08.2024, Annexure P-8.

6. Learned counsel contends that the petitioner passed Masters degree in 2023, and appeared for UGC-NET examination in June, 2024. It was expected the result would be declared within a month, by 18.07.2024. However, the examination itself was cancelled vide public notice dated 19.06.2024, Annexure P-5. Now, a fresh date for examination has been notified vide public notice dated 28.06.2024, Annexure P-6, and for the petitioner's subject it is slated for 30.08.2024. The closing date for submission of application forms in response to the aforementioned advertisement is 27.08.2024; therefore, she should be considered eligible on the basis of UGC-NET June 2024 examination in which she has appeared, or should be permitted to participate in the selection process without UGC-NET certificate, because for no fault of hers the exam has been cancelled.

7. Learned counsel for the third respondent/Commission, appearing on advance notice, contends that UGC-NET certificate is mandatory, and it is



application forms. Without the qualification no candidate can be permitted to participate in the selection process. There may be so many other candidates who are not eligible on the closing date for one or the other reasons, and no exemption can be granted to the petitioner as that would be discriminatory.

8. After considering the submissions made by the learned counsel for the parties, this Court is not inclined to interfere in the matter. The UGC-NET certificate is one of the mandatory qualifications required for the advertised post, and the candidates have to be eligible on the closing date to participate in the selection process. No exception can be made by relaxing the requirement for the petitioner, much less for the reason UGC-NET June 2024 examination in which she appeared had to be cancelled. It was conducted by the National Testing Agency (NTA), and cancelled on receiving information that its integrity had been compromised. The petitioner cannot be declared eligible for the post only because she appeared in a cancelled examination; the argument is preposterous and deserves outright rejection. Besides, she cannot be permitted to participate in the selection process on the strength of UGC-NET examination she is going to take on 30.08.2024, since mere appearing in an examination does not guarantee that she would clear the same as well. No direction can be issued on a presumption.

9. Further, the Commission cannot be blamed for cancellation of UGC-NET June 2024 examination, nor can any wrong be attributed to it in notifying the vacancies and prescribing 27.08.2024, as the closing date for submission of application forms in response thereto. There is nothing arbitrary, irrational or illegal about it. Whenever a cut-off date is assigned, there will always be candidates, who may not be eligible on account of one or the other reasons, viz., age, qualifications, certificates, etc., but that cannot be



a ground to permit them to participate in the selection process despite being ineligible. It is well settled that for such eventualities last date for submission of application forms is not to be disturbed/extended. A reference can be made to the view taken by a coordinate Bench in CWP No.9972 of 2022 titled *Niharika Rawat and others v. State of Haryana and another*, which is as under:

12. Also I am in agreement with the argument canvassed by the learned counsel for the respondent-HPSC that in matters of determining the cut-off date in any competitive examination, there has to be certain inherent randomness to fix a particular date or else it would always give rise to unnecessary confusion. By each day, many of the candidates become eligible either by virtue of their age or by virtue of their academic qualification and/or obtaining degrees, as the case may be, and therefore, the ever-shifting dates would result not only in discrimination but also leave a lot of room for interplay, to make certain candidates either eligible who are younger in age or ineligible who are older in age.

10. Accordingly, there is no ground to interfere in the matter, and the petition stands dismissed in *limine*.

(TRIBHUVAN DAHIYA)
JUDGE

20.08.2024
Ad

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No