



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.217

CWP-29905-2017
Date of Decision: 16.09.2024

Sandeep Singh Dhankhar

.... Petitioner

Versus

Haryana Public Service Commission

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vijay Deep Rathee, Advocate for
Mr. Balraj Singh Rathee, Advocate for the petitioner.

Mr. Kanwal Goyal, Advocate and
Ms. Sheena Dahiya, Advocate for the respondent/Commission.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondent-Commission to consider the petitioner eligible for the post of Assistant Professor (College Cadre) in Chemistry as a Dependant of Ex-servicemen (DESM) category candidate in response to advertisement dated 24.01.2014, Annexure P-1, re-advertised on 16.02.2016, Annexure R-1.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner belongs to DESM category, and the fact stands established in terms of 'Relationship Certificate' dated 09.07.2008, Annexure P-7, issued to him by Secretary, Zila Sainik Board, Rewari. The same was submitted to the Commission, still he was not considered eligible under the category on the ground that eligibility certificate, dated 25.07.2017, Annexure P-8, had been issued to him after the closing date for submission

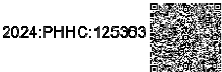


of application forms, i.e., 10.05.2016. It is further contended that the Commission has wrongly rejected petitioner's candidature, as his being a dependant of Ex-serviceman stands established by the certificate, dated 09.07.2008 itself, and it is issued by the same authority by which the later one, dated 25.07.2017, has been issued.

3. Learned counsel for the Commission, on the contrary, contends that the closing date for submission of application forms pursuant to the advertisement in question was 10.05.2016, and, admittedly, the eligibility certificate was issued to the petitioner thereafter on 25.07.2017. The 'Relationship Certificate', dated 09.07.2008, being relied upon by the petitioner, was not submitted along with his application form. It was submitted later at the time of verification of documents on 21.11.2017. Therefore, his candidature could not have been considered under the category. Besides, the certificate is not in terms of stipulation in the advertisement mandating the candidates belonging to DESM category to support their claim on the basis of a latest certificate issued by the competent authority in terms of Haryana Government letter, dated 21.11.1980, as well as instructions dated 01.12.2003, which require the person not to have income from agriculture, trade, property, bank balance etc. beyond ₹6,000 per month. Accordingly, his candidature stands rightly rejected.

4. Heard.

5. As per undisputed facts on record, closing date for submission of application forms in response to the advertisement in question was 10.05.2016, and the eligibility certificate claiming entitlement as DESM category candidate submitted by the petitioner was issued on 25.07.2017. All the candidates were required to submit the DESM certificate in terms of the conditions laid down in the government letter dated 21.11.1980, issued prior to the closing date, as their eligibility was required to be determined as on



that date. It has been so stipulated in clause 6 (a) of the advertisement, dated 16.02.2016, which is as under:

6. RESERVATION: The reservation in different categories is to be covered in accordance with the orders/instructions issued by the Haryana Government from time to time.

(a) ... Candidates claiming dependent sons/daughters of Ex-servicemen must send the latest eligibility certificates issued by the Zila Sainik Board Haryana (specifically indicating the name of post for which the candidate is applying) in support of their claim. None of the persons mentioned below shall fall within the definition of words “Dependent of Ex-servicemen” in terms of Haryana Govt. letter No.12/37/39-GSII dated 21.11.1980.

6. Learned counsel for the petitioner is not in a position to dispute that the ‘Relationship Certificate’ has not been issued in terms of the government instructions, nor was it submitted to the Commission before the closing date.

7. In view thereof, there is no ground to entertain the petition, and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

16.09.2024
Maninder

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