



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CWP No. 35421 of 2019
Date of Decision : 14.05.2024

Vikas Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sumit Sangwan, Advocate for the petitioner.
Mr. Sandeep Singh Mann, Addl. Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. The present petition has been filed by the petitioner raising a grievance that while competing for the post of Junior Engineer under the Category of Dependent of Ex-servicemen (BC-A) his candidature has wrongly been cancelled by declaring him ineligible to compete for the post in question.
2. Certain facts needs to be mentioned for the correct appreciation of the issue in hand.
3. The respondent-Commission issued an advertisement being Advertisement No. 10/2019 dated 15.06.2019 (Annexure P-2) by which certain posts of the Junior Engineer were advertised to be filled. In the



advertisement itself, it was mentioned that in case, any candidate, who is claiming reservation benefit, the requisite valid certificate should be uploaded by the candidate along with the application form so as to support his/her claim. It was further mentioned that the candidate claiming the benefit of dependent of Ex-servicemen should have a valid eligibility certificate being dependent of Ex-servicemen issued by the competent authority on the last date of submission of online application and the same should be uploaded with application form and will have to produce the original certificate as and when called upon. It was further mentioned that any application, which is incomplete, will be rejected.

4. The petitioner while filling application form for the post in question though claimed reservation being Dependent of Ex-servicemen but he did not attach the requisite certificate issued by the Zila Sainik Board as the said certificate had not been issued to him upto the last date of submission of the application form. At the time of scrutiny of the documents, the candidature of the petitioner was rejected as the petitioner was found ineligible to compete for the post in question as a Dependent of Ex-servicemen neither any certificate showing him as Dependent of an Ex-servicemen issued by the competent authority was attached with the application form nor he was having the said certificate on the last date of submission of the application form. The said action of the respondents rejecting the candidature of the petitioner is under challenge in the present petition.



5. Learned counsel for the petitioner argues that once, the petitioner had produced a valid certificate of Dependent of Ex-servicemen at the time of scrutiny of documents, even if the petitioner had not attached the said certificate along with the application form, the candidature of the petitioner cannot be rejected. Reliance is being placed upon the judgment of the Division Bench of this Court in LPA No. 1457 of 2018 titled as ***Narender Kumar Vs. Dr. Kuldeep Singh and others***, decided on 25.04.2023. The reliance is also being placed upon a judgment of the Co-ordinate Bench of this Court in CWP No. 7864 of 2021 titled as ***Balkar Singh Saini Vs. Haryana Staff Selection Commission and others***, decided on 11.10.2022.

6. Learned counsel for the respondents, on the other hand, submits that once, there were specific directions as to how the application form is to be filled and which documents are to be uploaded and the incomplete application form will be rejected, the candidature of the petitioner has rightly been rejected by the respondents as the petitioner, who was claiming the benefit of Dependent of Ex-servicemen, did not attach the requisite certificate issued by the competent authority i.e. the Zila Sainik Board with the application form, hence, the candidature of the petitioner has rightly been rejected as per the terms and conditions of the advertisement and no grievance can be raised by the petitioner.

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



8. It is a settled principle of law that the terms and conditions of the advertisement are sacrosanct, all the candidates who intend to compete for a post, are required to adhere to all the requisites of the advertisement and the important instructions. As per the settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal No. 7677 of 2021 titled as ***The State of Bihar and others Vs. Madhu Kant Ranjan and another***, decided on 16.12.2021, any candidate who does not produce the certificate in terms of the conditions mentioned in the advertisement, before the cut off date, the candidature can be cancelled. The relevant paragraph 9 of the said judgment is as under :-

“9. As per the settled proposition of law, a candidate/applicant has to comply with all the conditions/eligibility criteria as per the advertisement before the cut-off date mentioned therein unless extended by the recruiting authority. Also, only those documents, which are submitted alongwith the application form, which are required to be submitted as per the advertisement have to be considered. Therefore, when the respondent No.1 – original writ petitioner did not produce the photocopy of the NCC ‘B’ certificate alongwith the original application as per the advertisement and the same was submitted after a period of three years from the cut-off date and that too after the physical test, he was not entitled to the additional five marks of the NCC ‘B’ certificate. In these circumstances, the Division Bench of the High Court has erred in directing the appellants to appoint the respondent No.1 – original writ petitioner on the post of Constable considering the select list



dated 08.09.2007 and allotting five additional marks of NCC 'B' certificate."

9. In the present case, as mentioned earlier, as per the advertisement, a candidate seeking the reservation is required to upload all the documents to support the said claim at the time of filling of the online application form before the cut off date. In the present case, the petitioner did not had a valid certificate on the last date of submission of application form so as to be considered as the Dependent of Ex-servicemen, hence, the petitioner could not have been treated under the said Category for the post in question.

10. As far as the judgment of the Division Bench in ***Narender Kumar's case (supra)*** as well as ***Balkar Singh Saini's case (supra)***, they will not be applicable in the facts and circumstances of the present case. In ***Narender Kumar's case (supra)*** the Division Bench has held that where there is no condition of uploading requisite document with the application form, the same can be shown at the time of scrutiny of documents, whereas it is a conceded position that in the present case, as per the terms and conditions of advertisement, along with the application form before the last date, the candidate was required to upload the documents, which are being relied by him/her so as to claim the eligibility in a particular reserved category.

11. Similarly in the case of ***Balkar Singh Saini's case (supra)***, the same related to the Ex-servicemen but in the present case, as per the conditions mentioned in the advertisement, which are sacrosanct and have



to be complied with, the candidates applying under the reserved category of Dependent of Ex-servicemen were required to produce the certificates showing the same, hence, the judgment in ***Balkar Singh Saini's case (supra)*** will also not help the petitioner out in any manner.

12. Even otherwise, once as per the judgment in ***Madhu Kant Ranjan's case (supra)***, the conditions of the advertisement are sacrosanct and as per the conditions of the advertisement, the petitioner was liable to attach all the certificates, which certificates were not even available with the petitioner on the last date of submission of application form, no grievance can be raised by him.

13. No other argument is raised.

14. Keeping in view the above, no ground is made out for any interference by this Court in the present petition.

15. Dismissed.

May 14, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No