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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-30857-2024

Date of Decision: 18.11.2024

DEEPAKSHI

..... PETITIONER

VERSUS

HARYANA PUBLIC SERVICE COMMISSION AND ANOTHER

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Gursher Singh Bhandal, Advocate and
Ms. Mannu Chaudhary, Advocate
for the petitioner.

Mr. Kanwal Goyal, Advocate and
Ms. Sheena Dahiya, Advocate
for respondent No. 1/Commission.

Mr. Surender Singh Pannu, Advocate
for respondent No. 2/University.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the letter dated 08.11.2024, issued by the first respondent/ Commission, whereby the petitioner's candidature for the post of Post Graduate Teacher (PGT) in Home Science pursuant to advertisement

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27/2024 has been rejected.

2. It is contended by learned counsel for the petitioner that the Commission advertised posts of PGTs in Home Science vide the aforementioned advertisement; last date to submit applications in response thereto was 14.08.2024, which was extended upto 20.08.2024. The essential qualifications for the post were M.Sc. Home Science with at least fifty per cent marks, and B.Ed. from a recognised University. The petitioner submitted the application form on 19.08.2024, but inadvertently mentioned that she has obtained B.Ed. degree from Guru Jambheshwar University of Science and Technology, Hisar in 2024 by securing 503 marks out of 700 marks. She was allowed to participate in the selection process, and shortlisted for interview also. However, on the date of interview her candidature was cancelled vide impugned communication, dated 08.11.2024, on the following ground:

You have passed B.Ed. on 24.10.2024. The closing date of the advertisement was 14.08.2024. As per Note 2(iii) of Clause 6 of the advertisement, the certificates/documents in support of the claim should be possessed by the candidates on or before the closing date i.e. 14.08.2024. The certificate issued after the closing date will not be accepted by the Commission.

2.1 It is further contended that the petitioner had applied for confidential result of B.Ed. to the University concerned, and was issued Provisional Degree Certificate dated 29.10.2024, Annexure P-8, certifying that she appeared for final year B.Ed. Exam in June 2024 and passed the same by obtaining 1046 out of 1450 marks. The date of interview for the post was 08.11.2024, and the petitioner had been awarded B.Ed. degree prior

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thereto. Accordingly, there was no justification with the respondents to reject her candidature. The fault, if any, lies with the University in not holding the exam earlier and/or declaring the result prior to the cut-off date.

3. *Per contra*, learned counsel for the Commission, appearing on advance notice, contends that the petitioner's candidature has been rightly rejected. She did not possess the requisite essential qualification of B.Ed before the closing date for submission of application forms, as the result for the degree course was declared on 24.10.2024, as is apparent from the Detailed Marks Certificate, Annexure P-9. There is a specific condition in the advertisement, contained in Note 2(iii) of Clause 6, that certificates/documents in support of the claim should be possessed by the candidates on or before the closing date, and the certificates issued after that date will not be accepted. And Note 2(ii) further stipulates that the applicant must fulfill the essential qualifications/requirements for the post and other conditions stipulated in the advertisement on the closing date. It was due to oversight that her ineligibility could not be detected at the time of scrutiny of documents. He also contends that the petitioner has mis-represented the facts regarding her eligibility by wrongly filling-up the application form stating that she has passed B.Ed. examination in 2024, which is palpably wrong. It was on this account that she was allowed to participate in the process, which could not be taken as an advantage by her at this stage.

4. Heard.

5. There is no denial of the fact that the laid down conditions in the advertisement require the candidates to fulfill the essential qualifications

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and all other requisite conditions before the closing date for submission of application forms, i.e., 20.08.2024. And B.Ed. degree from a recognised University is one of the essential qualifications for the post in question/PGT Home Science. The petitioner's provisional B.Ed. degree certificate, dated 29.10.2024, as also her Grade-cum-Detailed Marks Card, dated 24.10.2024, make it evident that she cleared the final year exam, conducted in June 2024, after the closing date, on 24.10.2024. Therefore, for want of essential qualification she was not eligible to apply on that date, and in terms of stipulations in the advertisement she could not be considered for the post.

5.1. It is also apparent on record that the petitioner has mis-stated the facts regarding her eligibility while filling-up the application form. She wrongly claimed to have cleared B.Ed. in 2024 from Guru Jambheshwar University, despite being fully aware that her result for the course had not been declared by then. The facts on record speak for themselves. On one hand, the petitioner vide letter dated 17.09.2024, Annexure P-4, requested the University for confidential result of B.Ed. final year examination taken by her in June 2024; on the other, she submitted application form for the post claiming to have passed the same. Therefore, it cannot be believed that due to inadvertence she mentioned about clearing B.Ed. in the application form; it was deliberately done to mislead the Commission in accepting her candidature despite being ineligible. But for this misrepresentation, the petitioner would not have been considered eligible and/or permitted to participate in the selection process. Resultantly, no equity is created in her favour, nor can she be allowed to further participate in the selection

process/appear for the interview.

6. In view thereof, there is no merit in the petition, and it stands dismissed.

18.11.2024

Seema

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

(TRIBHUVAN DAHIYA)

JUDGE