



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

(Sr. No. 138)

LPA No.2905 of 2024 (O&M)

Date of decision: 19.11.2024

State of Haryana and others

..... Appellants

Versus

Kapil

..... Respondent

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Hitesh Pandit, Addl. A. G., Haryana for the appellants.

* * *

DEEPAK SIBAL, J. (Oral)

(1) Through an advertisement dated 08.01.2022, the Department of Health, Haryana invited applications to fill up 980 posts of Medical Officers. Out of the advertised posts 74 were reserved to be filled up from the Ex-Servicemen category (for short – ESM).

(2) As per the advertisement, in case ESM were not available, the 74 posts reserved for them would be filled up from Dependents of Ex-Servicemen (for short – DESM); an applicant under the ESM category was required to upload the Identity Card and Discharge Book/Certificate showing the date of entry and release from the Army of the Ex-Serviceman; all the required documents were to be uploaded on or before the last date fixed for submission of the application; the originals of the uploaded documents were to be produced at a later date; there was no stipulation in the advertisement for uploading, along with the application, any supporting



document to claim the benefit as a DESM and that the last date to apply was 10.03.2022.

(3) The respondent applied well in time. Through his application he clearly claimed consideration of his candidature as a DESM. As required, he also uploaded, along with his application, all requisite documents with regard to his father's date of entry and release from the Army. He was then issued an admit card, on the basis whereof he appeared in the written examination, the result of which was declared on 18.04.2022. He secured 56 marks. All the eligible candidates, which included the respondent, then appeared for scrutiny and verification of original documents in the office of the Director General, Health Services, Haryana (for short – D.G.). At the time of scrutiny, the respondent produced all the requisite documents in original including a certificate issued by the competent authority dated 22.04.2022 certifying him to be a DESM. Though the respondent had the requisite merit to be appointed as a Medical Officer as a Dependent of an Ex-Serviceman, he was not offered appointment only on the ground that the certificate dated 22.04.2022 produced by him at the time of scrutiny of documents certifying him to be a DESM was of a date which was after the last date to apply. At that juncture the respondent knocked the doors of this Court through filing of the writ petition through which he sought issuance of directions to the State to consider his candidature to be appointed as a Medical Officer as a Dependent of an Ex-Serviceman. A learned Single Judge of this Court allowed his petition. The judgment of the learned Single Judge is the subject matter of challenge through the instant intra court appeal at the behest of the State of Haryana.



(4) Learned State counsel has been heard and with his able assistance the record of the case has also been perused.

(5) In response to an advertisement issued by the State the respondent applied for consideration of his candidature to be appointed as a Medical Officer under the DESM – BC-B category. He applied well in time. Through his application he clearly sought consideration of his candidature as a Dependent of an Ex-Serviceman. He had also applied under the BC-B category. Along with his application the respondent uploaded all the documents in support of his claim as a candidate belonging to the BC-B category. So far as his claim under the ESM category was concerned, as per the advertisement he was only required to upload along with application, documents to show the date of entry and date of release of the Ex-Serviceman, which he did. There was no requirement in the advertisement to upload, along with the application, the certificate of him being DESM and therefore, he did not do so. When the State, through a notification, sought all the eligible candidates to appear in the office of the D.G. for their biometrics and verification of original documents, the respondent duly appeared and produced all relevant documents in original including a certificate dated 22.04.2022 issued by the competent authority certifying him to be a Dependent of an Ex-Serviceman. The State does not dispute that the respondent is a Dependent of an Ex-Serviceman but has rejected his candidature to be considered as a Dependent of an Ex-Serviceman only on the ground that the certificate produced by him certifying him to be a Dependent of an Ex-Serviceman is of a date which is after the last date to apply.



(6) Since as per the advertisement to claim the benefit of the 74 posts reserved for ESM the only documents which were required to be uploaded along with the application were the certificates showing entry and release from the Army of the Ex-Serviceman and no other, the respondent cannot be denied consideration of his candidature as a DESM for having not uploaded along with his application the certificate showing him to be a DESM especially when the State does not dispute that the respondent is a Dependent of an Ex-Serviceman and that he had also clearly claimed such benefit in his application.

(7) In the light of the above discussion, we find no error, factual or legal, in the impugned judgment.

(8) Dismissed.

(9) All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

19.11.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

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