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

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LPA-61-2025 (O&M)

Date of Decision: 16.01.2025

Haryana Staff Selection Commission

..... Appellant

Versus

Sumit and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Sanjeev Kaushik, Addl. A.G., Haryana,
for the appellant.

Mr. Jasbir Mor, Advocate
for the Caveator-respondents.

SANJEEV PRAKASH SHARMA, J (ORAL)

CM-137-LPA-2025

This is an application for condonation of delay of 80 days in filing the present appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 80 days in filing the appeal is hereby condoned.

Main Case

1. The appeal preferred by the Haryana Staff Selection Commission assailing the order dated 03.09.2024 passed by the learned Single Judge of this Court is solely on the point that the certificate issued by the Zila Sainik Board was produced by the writ petitioner as asked by the authorities at the time of scrutiny later on. The date of the certificate is



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2. Learned counsel for the appellant submits that since the certificate reflecting the petitioners to be dependent of Ex-servicemen, is of later date, the same cannot be accepted for consideration of appointment. We find that the learned Single Judge has considered the various aspects of selection conducted by the Commission. As per Note No.15 of Clause 2.4, it was provided that the DESM candidates of Haryana claiming benefit must have valid eligibility certificate on last date of submission of online application form and will have to produce the valid Eligibility Certificate from the concerned Zila Sainik Board when called upon to do so by Haryana Staff Selection Commission. Mere dependent certificate will not be entertained. ESM candidates should also produce attested photocopy of Identity Card issued by concerned Zila Sainik Board & Discharge Book whenever required.

3. The learned Single Judge noticed that when the writ petitioner appeared for scrutiny of his documents and produced certificate reflecting that he was ward of an Ex-serviceman, the same was not accepted by the authorities and even asked to produce the certificate duly issued by the District Sainik and Ardh. Sainik Welfare Officer, Sonapat which he produced after getting the same on 10.02.2022. Learned Single Judge having noticed the said facts also noticed that the Commission had extended the date of scrutiny of documents subsequently for candidates who did not appear for scrutiny during the earlier dates as notified and absenting candidates were allowed to produce documents and were considered for verification on 11.03.2022. The judgment passed by this Court in the case of **'Anil Kumar Vs. State of Haryana and others' in CWP-1808-2022** and



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Chairman JEE, 2005(9) SCC 779 as well as in the case of '*Ram Kumar Gijroya Vs. Delhi Subordinate Services Selection Board and another*', *2016(4) SCC 754* were considered. We find that in the case of *Ram Kumar (supra)*, the Hon'ble Supreme Court allowed the candidature of the writ petitioner who had produced caste certificate subsequently holding that the status of a reserved category candidate cannot be denied merely on account of late issuance of the certificate where certificates were issued later than the cut date. We, therefore, do not find any reasons to differ from the view as taken by the learned Single Judge and respectfully followed the judgment passed by the Hon'ble Supreme Court to hold that the status of the petitioner would not change merely because the certificate is issued in the later date. We are also of the view that on account of such discrepancies, merit should not be a failure on a person having higher than ought not be denied his right to claim for selection of the candidature.

4. In view thereto, the judgment passed by the learned Single Judge does not warrant any interference and the same is upheld. Accordingly, the appeal is dismissed.

5. The pending misc. application(s), if any, shall stand(s) disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

16.01.2025

D.Bansal

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