



CWP-5007-2025

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

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**CWP-5007-2025 (O&M)
Date of Decision: 20.05.2025**

Vinay Joon**...Petitioner(s)**

Versus

State of Haryana and others**...Respondent(s)****CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present:- Mr. Tejpal Singh Dhull, Advocate for the petitioner

Ms. Tanushree Gupta, Deputy Advocate General, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the selection result, dated 27.07.2024, Annexure P-6, to the extent petitioner has not been selected therein on the post of TGT Physical Education in Rest of Haryana cadre, under Economically Weaker Section (EWS) category, in response to advertisement 02/2023, published on 21.02.2023. Further, a writ of *mandamus* has been sought directing the respondents to consider the petitioner fully eligible for the post under EWS category, and offer him appointment.

2. As per facts apparent on record, in brief, the petitioner applied for the post aforementioned by submitting an application form, dated 15.03.2023, Annexure P-2, as EWS category candidate. The closing date for submission of applications was 15.03.2023, which was extended upto 20.03.2023. The final result of selection was announced on 27.07.2024, but the petitioner could not be recommended for selection.



2.1. During pendency of the petition, original record of the petitioner's selection was produced by the Commission which shows that he did not upload any EWS category certificate along with the application form, as per Government instructions dated 25.02.2019. Although his application form mentions a certificate of EWS category, '*Certificate No.EWS/2022/1732; Issuing Authority:19/07/2022; Date of Issue:18/07/2022*', the uploaded certificate did not bear this number or date. The certificate uploaded by the petitioner along with the application form was for the Central Government jobs. At the time of scrutiny, he submitted another certificate of EWS category which was meant for the State Government jobs, which had been issued by Tehsildar, Bahadurgarh, on 04.05.2023, i.e., after the closing date. Accordingly, his candidature was considered as a General category candidate, and he could not be selected being lower in merit.

3. In this factual background, learned counsel for the petitioner contends that the Commission wrongly rejected the petitioner's candidature as EWS category candidate as he had submitted a valid EWS category certificate, dated 19.07.2022, Annexure P-3A, to the Commission. Besides, it was clearly mentioned in the application form that he belonged to EWS category, and a certificate in support of the claim, dated 04.05.2023, Annexure P-7, was submitted at the time of scrutiny of documents. Therefore, the petitioner was required to be considered for selection under EWS category. In support of the submission, he has relied upon a judgment dated 16.01.2025, rendered by a Division Bench in LPA-61-2025 titled *Haryana Staff Selection Commission v. Sumit and others*, wherein a certificate of Dependent of Ex-servicemen (DESM) category issued by Zila Sainik Board after the cut-off date was



accepted, and the candidate therein was directed to be considered eligible for the post under that category.

4. *Per contra*, learned State counsel contends that the petitioner's candidature cannot be considered under EWS category as he has not uploaded any valid EWS category certificate along with the application form issued to him before the closing date. She also contends that there is a clear stipulation in the advertisement, as mentioned in para 9.2. and 9.4. thereof, requiring the candidates to submit valid EWS certificate as per the State Government instructions upto the closing date, failing which the candidature will be considered under General category. These conditions are as under:

9.2. The short listing of candidates shall be done on the basis of particulars and reservation category filled in online application form for which supporting documents shall be uploaded. As candidates can update their particulars till closing date, thereafter, no change of particular at any stage shall be entertained. In absence of documentary evidence or mismatch in claimed category and uploaded documents, candidature of candidate shall be considered under General category/Parent category, subject to his/her fulfilling eligibility in General category/Parent category.

9.4. EWS certificate on prescribed proforma should be valid for the year in which the candidates have applied for the posts as per govt. instructions issued vide no. 22/12/2019-1GS-III, dated 25.02.2019. The EWS certificate should be issued after 31.03.2022 and valid for the year 2022-2023. **EWS certificate issued for jobs in Central Govt. will not be considered irrespective of income mentioned in certificate. The copy of EWS proforma is placed at Annexure-V.**



She has also relied upon the Supreme Court judgment rendered in titled *Mohit Kumar v. State of Uttar Pradesh and another*, 2025 SCC OnLine SC 1125.

5. Submissions made by learned counsel for the parties have been considered.

6. It remains undisputed that as per stipulation in the advertisement, EWS category candidates were required to submit a certificate in terms of Government instructions, dated 25.02.2019, issued after 31.03.2022 and valid for the year 2022-2023. EWS certificate for the Central Government jobs was not to be considered valid for the posts advertised. It is also stipulated that in case a candidate fails to submit/upload the requisite certificate, his candidature will be considered under General category. The petitioner's selection record established the fact that he did not upload a valid EWS category certificate in terms of the stipulation aforementioned along with the application form. The certificate uploaded by him was meant for the Central Government jobs. And the certificate, dated 04.05.2023, submitted by him later at the time of scrutiny of documents had been issued after the closing date for submission of application, 20.03.2023, which could not make him eligible for consideration under the category. In such a situation, the petitioner's candidature was rightly considered under General category, as per condition in para 9.2. of the advertisement. The reliance upon *Sumit* case (*supra*) is misplaced as it is on different facts. The judgment was rendered on the inference drawn due to unrebutted averments that the petitioner had furnished the requisite document before the scrutiny committee at the relevant time. Besides, settled law on the issue is, the requirement to submit the needed certificates for consideration of candidature under a particular category, is mandatory and cannot be done away with. Any violation thereof will entail rejection of the application under the



category. In this regard it is apt to refer to relevant paragraphs of the judgment in *Mohit* case, which are as under:

14. What follows from the above decision is that irrespective of whether an aspirant for public employment belongs to a particular community like SC/ST/OBC, the status claimed by him for being accorded the benefit of reservation is *per se* not decisive. Such status has to be certified by the competent authority upon following due process and identification that the aspirant is what he claims to be. In *Shrinivas Prasad Shah* (supra), the requirement of production of a certificate from the competent authority was held to be mandatory in view of a statutory mandate. Although there is no such statutory mandate in the facts of the present case, the requirement in question is no less mandatory and must be scrupulously followed. Once a process of recruitment is set in motion, all aspirants are entitled in law to equal treatment. There cannot be different yardsticks for different sets of aspirants. Non-compliance with the terms of the advertisement/notification is bound to trigger adverse consequences of rejection of the aspirant's claimed status by the selecting body/appointing authority, should he choose not to adhere to the same. Having regard thereto, the selecting body/appointing authority would be justified in not entertaining the application of an aspirant as a member of the community for whom reservations are permissible.

Accordingly, the petitioner cannot be held entitled to consideration as EWS category candidate.

- 7. For the reasons recorded above, the petition stands dismissed.
- 8. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

20.05.2025
Payal

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