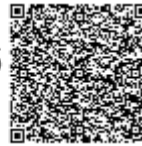


2025:PHHC:151315



108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-13973-CWP-2025 in/and
CWP-6322-2022
DECIDED ON:14.10.2025

SURESH KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajeev Doon, Advocate with
Mr. Vineet Jakhar, Advocate and
Mr. Ramniwas, Advocate for the applicant/petitioner

Mr. Sushil Bhardwaj, Addl. AG. Haryana

SANDEEP MOUDGIL, J (ORAL)

CM-13973-CWP-2025

The instant application has been moved under Article 226 of Constitution of India read with Section 151 CPC for listing of main case in motion hearing which was adjourned *sine die* to be taken up after the decision of LPA-873-2022 vide order dated 04.10.2023, in view of order dated 14.11.2023 passed by the Division Bench of this Court in LPA-873-2022.

Learned counsel for the applicant/petitioner would submit that the instant writ petition is not identical or similar to CWP-1347-2021 and that the earlier counsel appearing on behalf of the petitioner made such statement.

Now, an application is being moved for the purpose that the instant

writ petition be segregated from CWP-1347-2021 and other bunch of writ petitions attached to be heard along therewith.

For the reasons stated in the application and in view of submission made by learned counsel for the applicant/petitioner, the same is allowed and the instant writ petition is ordered to be segregated from CWP-1347-2021 or other bunch of writ petitions.

CWP-6322-2022

1. Prayer

This writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of certiorari quashing the impugned final result dated 05.02.2022 (Annexure P-8) issued by the respondent Commission, vide which the posts under EWS Category have remained vacant and candidate having lower marks from the petitioner in EWS Category has been selected for the post of Dental Hygienist under advt. No.15/2019, Cat No.1.

2. Brief Facts

The petitioner applied for the post of *Dental Hygienist* under Advertisement No. 15/2019, Category No. 1, issued on 07.09.2019. As per the selection criteria, 90 marks were allotted for the written examination and 10 marks for the Socio-Economic criteria and experience. The petitioner, belonging to the General Category, applied under the Economically Weaker Section (EWS) category and fulfilled all eligibility conditions.

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner applied for the post of *Dental Hygienist* under Advertisement No. 15/2019 in EWS

category, having all requisite qualifications. As per the selection criteria, 90 marks were for the written examination and 10 for Socio-Economic criteria and experience. The petitioner was entitled to 5 marks under Socio-Economic criteria, as no family member was in government service, and 3 marks for experience.

It is argued that the annual family income of the petitioner was ₹1,30,000/-, and accordingly, he was issued an EWS certificate dated 07.10.2019 by the Naib-Tehsildar showing income below ₹8 lakh. The petitioner cleared the written test but his candidature was rejected on the ground that the certificate mentioned “below ₹8 lakh” instead of “below ₹6 lakh” as per Haryana Government instructions.

Counsel contends that such rejection is arbitrary and hyper-technical, as the actual income of the petitioner was far below even ₹6 lakh, and he cannot be penalized for an error committed by the issuing authority. It is urged that two EWS posts were left vacant despite the petitioner securing 36 marks in the written test and being entitled to 8 additional marks, making his total 44 marks. It is submitted that the rejection of the candidature of the petitioner, violates Articles 14 and 16 of the Constitution and defeats the very object of EWS reservation. The petitioner, therefore, seeks quashing of the impugned result dated 05.02.2022 and a direction to appoint him to the post of *Dental Hygienist* under the EWS category with all consequential benefits.

On behalf of respondent/State

Learned counsel for the respondents submits that the petitioner was rightly declared *not eligible* for the post of *Dental Hygienist* under Advertisement No. 15/2019, Category No. 1. It is argued that the *EWS certificate* produced by the petitioner was issued for use under the *Government of India* and mentioned

the income limit as “below ₹8 lakh,” whereas as per Haryana Government instructions dated 25.02.2019, the prescribed limit for EWS candidates under the State was “below ₹6 lakh.” Hence, the petitioner did not possess a valid *State EWS certificate*, as required.

It is further submitted that eligibility has to be determined as on the closing date i.e., 03.02.2020, and no relaxation or substitution of documents is permissible thereafter. The candidature of the petitioner was, thus, rightly rejected at the stage of scrutiny of documents.

Counsel emphasizes that the recruitment process is strictly governed by the terms of the advertisement, which are binding on all candidates. The petitioner had also signed an undertaking confirming compliance with all eligibility conditions.

Reliance has been placed upon the judgments rendered by Hon’ble Apex Court in the case of "*Bedanga Talukdar vs. Saifudaullah Khan (AIR 2012 SC 1803)*" as well as this Court in the case of "*Jaspal Kaur vs. State of Punjab (CWP No. 5560 of 2011)*", to assert that no relaxation can be granted unless expressly provided in the rules.

It is, lastly contended that the petitioner has failed to implead the selected candidates as necessary parties, and granting relief now would prejudice their rights. Hence, the writ petition deserves to be dismissed being devoid of merit.

4. Analysis

Having heard learned counsel for the parties and examining the record, this Court finds no ground to interfere in the selection process. The petitioner admittedly did not possess a valid *EWS certificate* issued by the

competent authority of the *State of Haryana*, as required under *Advertisement No. 15/2019*. The certificate relied upon was issued for use under the *Government of India* and mentioned the income limit as “below ₹8 lakh,” whereas, as per the Haryana Government’s instructions dated 25.02.2019, the prescribed income limit for the *State EWS* category was “below ₹6 lakh.” Eligibility conditions are to be fulfilled as on the cut-off date, and no relaxation or substitution of documents can be permitted thereafter.

As per the afore-said judicial pronouncements, it is evident that the terms and conditions of an advertisement are sacrosanct and cannot be relaxed unless expressly provided by the rules. The respondent-Commission has, therefore, acted strictly in accordance with law and the advertisement conditions. No violation of Articles 14 or 16 of the Constitution is made out.

No objection has been raised regarding the certificates supporting the claim for EWS benefit, which were attached and uploaded with the original application at the time of selection for the post of Dental Hygienist.

Now, the petitioner is seeking reliance upon Annexure P-9 attached to CM-4161-CWP-2025, which is admittedly issued after the date of submission of application and scrutiny of documents.

The importance of strict adherence to timelines was reiterated by the Apex Court in “*Bhupinderpal Singh v. State of Punjab, (2000) 5 SCC 262*”, that strict deadlines ensures a level playing field and prevents arbitrariness in selection and relaxation for one candidate would open the floodgates and defeat the sanctity of the recruitment process. Relevant paragraph of the same is as below:

“Placing reliance on the decisions of this Court in Ashok Kumar Sharma Vs. Chander Shekhar & Anr. JT 1997 (4) SC 99; A.P. Public

Service Commission Vs. B. Sarat Chandra & Ors. 1990 (4) SLR 235; The Distt. Collector and Chairman, Vizianagaram (Social Welfare Residential School Society) Vizianagaram and Anr. Vs. M. Tripura Sundari Devi 1990 (4) SLR 237; Mrs. Rekha Chaturvedi Vs. University of Rajasthan & Ors. JT 1993 (1) SC 220; Dr. M.V. Nair Vs. Union of India & Ors. 1993 (2) SCC 429; and U.P. Public Service Commission, U.P., Allahabad & Anr. Vs. Alpna JT 1994 (1) SC 94, the High Court has held (i) that the cut off date by reference to which the eligibility requirement must be satisfied by the candidate seeking a public employment is the date appointed by the relevant service rules and if there be no cut off date appointed by the rules then such date as may be appointed for the purpose in the advertisement calling for applications; ii) that if there be no such date appointed then the eligibility criteria shall be applied by reference to the last date appointed by which the applications have to be received by the competent authority. The view taken by the High Court is supported by several decisions of this Court and is therefore well settled and hence cannot be found fault with”.

The principle of natural justice is inherently respected when the recruiting authority affords equal opportunity to all candidates and applies uniform standards. There is no material to suggest that the respondents acted arbitrarily against the petitioner. The Court’s interference is warranted only in cases where there is a breach of fundamental rights or patent illegality, which is conspicuously absent here.

Hence, no benefit can be derived on the basis of the said certificate. Therefore, the petition lacks merits and does not inspire to Court to interfere in the outcome of the result declared by the authorities, who are expert and have scrutinized documents.

5. Relief

In the light of facts and circumstances discussed hereinabove, the

present petition stands dismissed being devoid of merits.

Accordingly, the writ petition stands dismissed.

Pending application(s), if any shall disposed off, accordingly.

14.10.2025
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(SANDEEP MOUDGIL)
JUDGE

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

The petitioner declared that neither he nor any of his family members was a regular employee in any Government Department, Board, or Corporation, thereby becoming eligible for 5 marks under the Socio-Economic criteria. He also submitted an experience certificate, making him further eligible for 3 marks. The petitioner's total claim was thus 8 marks under the said criteria.

The gross annual family income of the petitioner was ₹1,30,000/- and on that basis alone, he was issued an '*EWS Certificate*' dated 07.10.2019 by the Naib-Tehsildar in the prescribed format, which mentioned that the family income was below ₹8 lakh. The petitioner appeared in the written examination under Roll No. 16010349, cleared the same, and was called for scrutiny of documents on 24.08.2021.

However, in the final result dated 05.02.2022, the name of the petitioner was not included amongst the selected candidates. It was noted that two out of three EWS posts remained vacant due to the "non-availability of eligible candidates." Upon inquiry, the petitioner was informed that his candidature had been rejected because his EWS certificate mentioned "income below ₹8 lakh" instead of "below ₹6 lakh" as required by the Haryana Government's instructions dated 25.02.2019.