



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105

LPA-680-2025 (O&M)

Date of Decision: September 12, 2025

Pawan Kumar

.....Appellant (s)

Vs.

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MRS. JUSTICE RAMESH KUMARI

Present: Mr. Mazlish Khan, Advocate for the appellant (s).

Mr. Saurabh Mohunta, DAG, Haryana.

RAMESH KUMARI J.

CM-6969-2025

The present application has been filed for preponing the date of hearing in the main appeal, which is otherwise fixed for 04.12.2025.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is ***allowed*** and the main appeal is ordered to be taken on Board today itself.

LPA-680-2025

1. This appeal assails the order dated 14.02.2025 passed by learned Single Judge in CWP-6734-2019 filed by the appellant.
2. The learned Single Judge, vide order dated 14.02.2025 examined the grievance of the appellant and opined that there is difference between



entitlement to reservation and priority of reservation. For the purpose of entitlement, Ex-servicemen, disabled Ex servicemen and dependent of personnel who was killed or is suffering from more than 50% disability are at par. Entitlement makes the candidate eligible for zone of consideration. Concept of priority among Ex-servicemen is entirely different from entitlement.

3. Learned Single Judge has further held that

“11. The respondent in the advertisement has categorically prepared a priority list. From the perusal of priority list, it is evident that first priority has been given to disabled Ex-servicemen with disability between 20 to 50%. By way of note, the expression “disabled Ex-servicemen” has been clarified. It is clearly mentioned that disability must be outcome of operation against the enemy or in disturbed areas. The dependent of Ex-servicemen may be entitled to reservation as per instructions dated 06.03.1972, however, they do not fall in the priority list. The dependent of service personnel killed/disabled beyond 50% fall in the priority list and they have priority even over Ex-servicemen who were not disabled. The language of the Advertisement is unambiguous and clear.

12. It is settled law that Courts are bound to make literal interpretation of advertisement and cannot travel beyond the advertisement. The advertisement is very clear and respondents have implemented terms and conditions of the advertisement. This Court cannot ask respondents to act contrary to the advertisement. It is apt to mention here that advertisement is not under challenge. The petitioner is not claiming that dependent of Ex-servicemen who has been



granted priority does not fall in the Clause-(ii) of afore-cited priority list.”

4. The case of the appellant is that in pursuance of Advertisement No.7/2015, he applied for the post of Auction Recorder. Therefore, 19 posts of Auction Recorder reserved for Ex-Servicemen (General). He being belonging to Ex-Servicemen (General) category applied for the said post. He was not selected whereas other dependents of Ex-Servicemen were selected. He is graduate and holding diploma in Computer but his computer diploma was not considered for his selection.

5. The learned Single judge vide order dated 14.02.2025 also reproduced the Advertisement for the post of Auction Recorder. It is further reproduced hereinafter for better adjudication:-

“The reservation for ESM will be utilized in the order given below.-

i) Disabled ex-servicemen with disability between 20% to 50%.

ii) Up to two dependents of Service personnel killed/disabled beyond 50%.

iii) Other ex-servicemen.

Note:-1. Disabled ex-servicemen will mean ex-servicemen who, while serving in the Armed Forces of the Union were disabled in operations against the enemy or in disturbed areas.

Note:-2. The dependents will include besides wife/widow, dependent sons/daughters.

The dependents of ESM who fulfill all conditions of qualifications, age etc. prescribed for posts will be considered on merit for the posts reserved for ESM to the extent of non availability of suitable ESM candidates.”



6. Learned Single Judge rightly noted that dependents of service personnel, who were killed and disabled beyond 50% have prior right over Ex-Servicemen. The said Advertisement states that there is categorization of reservation for Ex-servicemen i.e. disabled Ex-Servicemen with disability between 20 to 50 % are to be accorded first priority and second category is up to two dependents of service personnel killed/disabled beyond 50% and third category is of other Ex-servicemen. There is specific wording “*the reservation of ESM will be utilised in the order given below.*” Thus, the order is to be followed for the purpose of selection. The appellant is neither disabled nor dependent of Service Personnel killed /disabled beyond 50 %, he comes in the category of other Ex-servicemen.

7. Moreover, the essential qualification for the post of Auction Recorder, as per advertisement for the post is as under:-

“i) Graduation with 50% marks from a recognized University or its equivalent with six months certificate in computer from a recognized Institution;

ii) Hindi /Sanskrit upto Matric Standard or higher education.”

8. Further, the appellant was not holding Computer Diploma for six months, whereas he was holding Computer Diploma from Management Infotech System from 08.06.2016 to 20.11.2015 i.e. 5 months 12 days. Therefore, he is not holder of Diploma Certificate for a period of 6 months which is essential pre-requisite to consider for the post of Auction Recorder.

9. The Graduation Certificate of the appellant also does not reflect that his graduation is with 50% marks from the Recognized University or its



equivalent. The Graduation Certificate issued by Indian Army is only on the basis of his experience and it can only be used where experience of technical or professional nature is not essential. His Graduation Certificate reads as under:-

“GRADUATION CERTIFICATE

1. This is to certify that as per Government of India. Ministry of Personnel Public Grievance and Pensions (Department of Personnel and Training) ON No. 15012/8/82/Estt (D) dated 12 Feb 88, Ex-Servicemen who are matriculate (which terms includes ex-servicemen who have obtained the Indian Army Special Certificate of Education of the corresponding certificate in the Navy or the Air Force, and has put in not less than 15 years of service in the Armed Forces to the Union, may be considered eligible for appointment to any reserved vacancy in group 'C' posts for which the essential qualification is graduation and where experience of technical or professional nature is not essential.

2. In view of the above concession Service Number 28902049 Rank Ex HAV Name & Intitials PAWAN KUMAR Trade INFOOL who had served in the Indian Army for 19 yrs 02 Days from 30.12.1994 to 31-12-2015 (AN) may be considered educationally qualified for reserved Group 'C' posts where prescribed qualification is graduation.

*Li Col
Senior Record Officer
for OIC Records
For OIC Records”*

This certificate does not reflect that his graduation marks are to be considered 50%. It is only the minimum qualifying degree of Graduation



without any assessment of marks. This Graduation Certificate also cannot be considered for the eligibility of appellant for the post of Auction Recorder because experience of six months' computer course, which is technical in nature, is essential qualification for the post and this Certificate cannot be considered for the post where experience of technical or professional nature is essential. Thus, the appellant was not having essential qualification of Graduation with 50% marks and Six months Certificate in computer and for this reason also, he was rightly not selected for the post of Auction Recorder.

10. In view of the above, we do not find any occasion to interfere in the judgment passed by learned Single Judge vide order dated 14.02.2025.

11. Accordingly, the appeal stands ***dismissed***.

12. Pending application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(RAMESH KUMARI)
JUDGE

September 12, 2025
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Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No