

**CWP-10440-2019****-1-**

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

209**CWP-10440-2019****Date of Decision: 29.08.2025****Sanjay Kumar****...Petitioner**

Versus

Haryana Staff Selection Commission**...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Vikram Sheoran, Advocate
Ms. Alka Sheoran, Advocate and
Ms. Sandeep Kaur, Advocate for the applicant
Mr. Suneel Ranga, Deputy Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondent to grant him additional marks for higher qualifications.

2. The petitioner, pursuant to Advertisement No.8/2015 dated 19.07.2015, applied for the post of Constable. The selection process comprised Physical Screening Test, Knowledge Test, Physical Measurement Test and Interview-cum-Personality Test. The minimum prescribed qualification was 10+2. The petitioner was Post Graduate. He uploaded marksheet of 10+2 along with application form. He did not upload Bachelors as well as Master's degree. The respondent declared result in 2018. Name of petitioner did not figure in the select list. On 05.03.2019, the Government



decided to convert 500 seats of Special Backward Class ('SBC') Category into General Category. A notification in this regard was issued in June' 2019. On account of conversion of 500 seats reserved for SBC Category into General Category, cut-off came down to 63.55. The petitioner had scored 62.40 marks. If he is awarded 2 marks of Post Graduation, he would be within the zone of consideration.

3. Learned counsel for the petitioner submits that as per advertisement, the petitioner was required to upload marksheet of matriculation and 10+2. He was required to produce testimonials of higher qualifications at the time of scrutiny of documents. There was no occasion for him not to produce degree of higher qualification at the time of scrutiny of documents. It is respondent who did not accept higher qualification on the ground that petitioner has not uploaded it along with the application form. This Court has granted similar benefit vide orders dated 04.03.2021 in ***Rakesh Kumar v. Haryana Staff Selection Commission, CWP No.9830 of 2019*** and 16.01.2019 in ***Jaideep v. State of Haryana and others, CWP No.17449 of 2017***.

4. *Per contra*, learned State counsel submits that the petitioner cannot take benefit of his mistakes. He, as per his wisdom, did not upload Master's degree along with application form. He cannot claim marks of Master's degree. At the time of scrutiny of documents, he submitted form wherein he did not disclose higher qualification.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.



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6. The respondent before this Court while adjudication of *CWP No.3841 of 2019* made a statement that in case result of the candidate has been announced before the cut-off date and he has not uploaded his documents of Graduation, Commission would consider DMC at the time of marks for the Graduation. Order dated 21.02.2019 passed in *CWP No.3841 of 2019* being a short order is reproduced as below: -

“Learned counsel for the petitioner at the very outset has placed on record a copy of public notice dated 22.10.2018 whereby the last date for updating the application in view of the amendment mentioned above, was extended up to 25.10.2018. The copy of public notice dated 22.10.2018 is taken on record as Annexure A-1.

Learned State counsel on the other hand on instructions has informed the Court that a decision has been taken in these cases, in case the result of the candidate before the cut off date has been announced and he has not uploaded his documents on the ground that he was not having the DMC of his graduation, then the Commission will consider the DMC at the time of giving marks for the graduation.

In view of the above factual position, the present petition stands disposed of with a direction to the respondents that in case the result of petitioner has been announced before the cut off date i.e 25.10.2018, the Commission shall give him marks of his graduation, as per criteria laid down in the advertisement dated 16.04.2018 for the post of Male Constable.”

7. In ***Rakesh Kumar (supra)***, the respondent deposed that 3 marks of higher qualification would be given because certificate is prior to cut-off date. The relevant extracts of order dated 04.03.2021 passed in the said case read as: -



“3. Perusal of the reply reveals that following stand has been taken by the respondents:

“7. That in this connection, it is stated that as per the report of re-examination of the documents submitted at the time of scrutiny, the petitioner is found to be entitled for three marks of additional qualification for post graduation as his certificate is prior to cut off date. In the present case, the cut-off date was extended to 25.10.2018 and the certificate (M.A. in Political Science) on which the petitioner is relying upon is dated 11.08.2018 and was attached/produced during scrutiny of documents. Whereas, re-scrutiny of all the candidates for the post in question is being conducted by the Commission and if the petitioner comes in the merit zone his case will be considered on merit accordingly.”

4. In view of the aforesaid, the writ petition is disposed of with a direction to the official respondents to accord benefit of additional three marks in terms of the stand taken in the reply and proceed in accordance with law.”

8. In ***Jaideep (supra)***, this Court directed respondent to grant 3 marks of ‘C’ Grade certificate of NCC, though petitioner therein, in the application form, had specifically declared ‘No’ with respect to NCC Certificates.

9. In the case in hand, the petitioner did not disclose his Master’s degree in the application form. The respondent has placed on record complete application form wherein the petitioner has disclosed his Graduation degree though at the time of scrutiny of documents, he signed a form disclosing that he is not possessing Graduation degree. He is claiming that he was possessing Master’s degree and there were 2 marks for Master’s



degree, thus, there was no question to hide degree at the time of scrutiny of documents. The said form was prepared by respondent-Commission and handed over to all the candidates. The petitioner had not disclosed his Master's degree in the application form, thus, respondent-Commission did not accept his Master's degree.

10. From the perusal of advertisement, it comes out that documents which are required to be uploaded with the application form are prescribed. The documents to be brought at the time of interview are also prescribed. The relevant extracts of the advertisement read as: -

“DOCUMENTS TO BE UPLOADED WITH APPLICATION FORM

- i) *Scanned Copy of Essential Qualifications i.e. Matric showing Date of Birth and mark sheet of Diploma/Degree etc.*
- ii) *Scanned Copy of valid Eligibility Certificate in case of DESM candidates duly issued by the respective Zila Sainik Board.*
- iii) *Scanned Copy of BCA/BCB/SC/SBC/EBPG Certificate issued by competent authority.*
- iv) *Scanned Copy of Haryana Domicile Certificate in case of BCA/BCB/SC/SBC/EBPG/ ESM/ DESM/ DFF issued by competent authority.*
- v) *Scanned Copy of Aadhar Card (Desirable).*
- vi) *Copy of e-Challan in case of candidates who have applied earlier.*
- vii) *Scanned Photographs duly signed by the Candidate.*
- viii) *Scanned signatures of the Candidate.*

DOCUMENTS TO BE BROUGHT AT THE TIME OF INTERVIEW/viva

- i) *All original certificates/documents/testimonials of educational qualifications and other documents*



mentioned in the online applications and one set of self attested copies of all these certificates.

- ii) *Printed Copy of online application form alongwith latest stamp size photograph duly attested by a gazetted officer and pasted on the application form.*
- iii) *Original proof of earlier fee deposited i.e. Treasury Challan/Credit Certificate issued by concerned treasury etc.”*

11. From the perusal of afore-cited clauses, it is evident that there is no need to upload documents of higher qualifications. Candidate is required to upload documents of essential qualifications or scanned copy of BCA/BCB/SC Certificate for claiming reservation. He is supposed to produce original testimonials of educational qualifications at the time of scrutiny of documents. There is no requirement to upload documents of higher qualifications. At the time of scrutiny of documents, a candidate is required to produce original certificates/documents/testimonials of educational qualifications. He is further required to produce original documents mentioned in the online application. Clause (i) of Condition ‘*Documents to be brought at the time of Interview/viva*’ requires to produce original certificates/documents/testimonials of educational qualifications ***AND other documents mentioned in the online applications.*** The other documents mentioned in the online application form are essential qualification, SC/BC Certificates etc.

12. The petitioner was possessing Master’s degree prior to cut-off date. The date of publication of statement of marks is 24.03.2015 whereas cut-off date for filing of application was 06.10.2015. The exam was conducted in November’ 2014.

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13. In the wake of above discussion and afore-cited orders of this Court, I find it appropriate to direct the respondent-Commission to consider the petitioner for 2 marks for possessing Master's degree. The respondent would be free to verify authenticity of said degree. The needful shall be done within three months from today.

14. As conceded by learned counsel for the petitioner, the date of joining of the petitioner shall be his date of appointment for all intents and purposes.

15. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

29.08.2025*Mohit Kumar*

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