



209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12097-2019 (O&M)
Date of Decision: 25.09.2025

Vikas Kumar

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Alka Chatrath, Advocate and
Mr. Nikhil Singh, Advocate
for the petitioner.

Mr. Ravi Partap Singh, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking appointment as Male Constable by awarding four marks for higher educational qualification.
2. The petitioner pursuant to Advertisement No.3/18 dated 16.04.2018 applied for the post of Male Constable General Duty. In the advertisement, it was underscored that there would be four additional marks for graduate degree in any stream from a recognized university. He disclosed total marks up to 10+2 Standard. The relevant extracts of application form are reproduced below:-

<i>Education</i>	<i>University /Board Name</i>	<i>Date of Declaration of Result</i>	<i>Date of Mark-sheet</i>	<i>Marks obtained</i>	<i>Total Marks</i>	<i>Percentage</i>
<i>Class 10th (Mandatory)- Class 10th (General)</i>	<i>Haryana School of Education</i>		<i>30.04.2009</i>	<i>364.00</i>	<i>500</i>	<i>72.80</i>

12 th /10+2- 12 th /10+2 (Commerce)	National Institute of Open Schooling		16.04.2014	295.00	500	59.00
---	---	--	------------	--------	-----	-------

3. He passed requisite tests, however, was not selected. He was not awarded four marks of graduation. If he is awarded four marks of graduation, his total marks would be more than cut off.

4. Learned counsel for the petitioner submits that petitioner was not awarded four marks of graduation because he was not possessing provisional or final degree at the time of filing application form. He was called for physical measurement. He duly qualified physical measurement test. The last selected candidate has secured 57.60 marks and petitioner has secured 53.80 marks. If four marks of graduation are added, his total marks would be more than last selected candidate. The final result was declared on 02.04.2019. At the time of scrutiny of documents, detailed marksheet dated 22.07.2018 was produced. Case of petitioner is squarely covered by judgment dated 11.07.2025 of this Court in “**Gagandeep Singh Vs. State of Haryana and Ors**”, CWP-14976-2022 and judgment dated 09.08.2024 passed by Division Bench of this Court in “**Harpreet Kaur and State of Haryana and Ors.**” LPA-612-2023.

5. *Per contra*, Mr. Ravi Partap Singh, DAG, Haryana, learned State counsel submits that petitioner did not produce degree of graduation at the time of scrutiny of documents, thus, he was not awarded marks of graduation. Another candidate Nipun produced his degree at the time of scrutiny of documents, thus, he was awarded additional marks.

6. I have heard learned counsel for the parties and perused the record of the case.

7. From the perusal of record, it is evident that advertisement was issued on 16.04.2018 and initially last date for filing application was 28.05.2018 which was extended to 22.10.2018. The petitioner has secured graduation degree in 1st Division from Chaudhary Devi Lal University, Sirsa (for short 'University') in the Session of May' 2018. The respondent has denied him additional marks on the sole ground that degree was not produced at the time of scrutiny of documents.

8. In the advertisement, it has been provided that there would be four marks for the graduation degree. The relevant extracts of the advertisement read as:-

“(b) i) For Constable:- Education (maximum 07 marks): Candidate with higher education i.e. with Graduate degree in any stream from a recognized University shall get four (04) marks, while candidate with Post Graduate degree in any stream from a recognized University shall get additional three (03) marks.”

9. Advertisement (Page 12) prescribed documents which were required to be uploaded with application form. The said Clause of the advertisement reads as under:-

“Documents to be uploaded with Application Form

- (i) Scanned Copy of Essential Qualifications ie. 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 Certificate issued by competent authority.*
- (iv) *Scanned Copy of Haryana Domicile Certificate in case of BCA/BCB/SC /SM/DESM/DFE 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.*

10. Note ii (page 10 of the advertisement) in the advertisement provides that qualifications and other terms and conditions of eligibility will be determined with regard to the last date fixed for receipt of online applications termed as closing date. The said Note of the advertisement reads as under:-

“Qualification and other term and conditions of eligibility will be determined with regard to the last date fixed for receipt of online applications.”

11. From the conjoint reading of terms and conditions of the advertisement, it is evident that petitioner was required to possess Bachelor's degree by 22.10.2018. Final result was declared on 22.07.2018. Scrutiny of documents took place on 12.02.2019. The result of selection process was declared on 02.04.2019. He did not disclose particulars of his Graduation in the application form, however, duly disclosed in the scrutiny form. The respondent has granted marks to another candidate namely Nipun who produced degree at the time of scrutiny of documents. Thus, he duly complied with requirements of advertisement. The petitioner was eligible for additional marks. The respondent has wrongly rejected his claim on the ground that he did not

produce Bachelor's degree at the time of scrutiny of documents.

12. It is apt to mention here that degree of graduation was not requisite/minimum qualification whereas it was for additional marks. The object of additional marks for graduation degree is to get better candidates for the post of Constable where minimum qualification is 10+2. In the result card of 6th semester, grand total of all the semesters is enumerated. He at the time of scrutiny of documents produced detailed marksheet of all the semesters.

13. This Bench vide order dated 11.07.2025 has allowed writ petition of **Gagandeep Singh (supra)**. A Division Bench of this Court in **Harpreet Kaur (supra)** has adverted to similar issue and in concluding para has held:-

“14. Poverty is a hard reality of life, and poor parents often sacrifice their own needs, even cutting back on meals, to provide the best education for their children. Despite the family's financial struggles, meritorious candidates like the appellant-petitioner should not be overlooked, as doing so would discourage such candidates. It is not the case of the respondents that the appellant-petitioner was ineligible before the cut-off date, nor did she fail to produce the provisional result for her 4th Semester, dated 06.09.2017.

15. It is not the case of the respondents that the appellant-petitioner did not submit the requisite document before the cut-off date. The only dispute in the present case is that the certificate is dated 10.10.2022.

16. In the competitive examinations, the candidates work hard and make their best efforts to secure good marks, therefore, only because of the date of issuance of degree/certificate, they should not be denied appointment as these are only procedural delays/lapses.

17. It is held and made clear to all the recruitment

agencies of Punjab, Haryana and Union Territory, Chandigarh that in such kind of cases where the date or year of passing of the examination is mentioned, the date of issuance of certificate or degree should be totally ignored. The best example is the case in hand wherein the appellant-petitioner passed the B.Ed. examination successfully in May, 2017 whereas due to financial condition, she could not deposit the requisite fee in time and her certificate/degree of B.Ed., was delayed and the date mentioned therein is after the cut-off date as mentioned in the advertisement for submission of application forms.

18. In view of the above, it is held that the date of passing of the examination would be considered in every document by the recruitment agencies and not the date of issuance of degrees.”

14. The respondent is conceding that candidates who were possessing qualification of graduation at the time of scrutiny of documents are eligible for additional marks. The petitioner appeared in the 6th Semester of Graduation in May’ 2018. The cut off date for filing application was 22.10.2018. The scrutiny of documents took place in February’ 2019. The petitioner submitted Documents Scrutiny Form at the time of scrutiny of documents. In the said form, he specifically disclosed factum of his graduation. He disclosed date of result, total marks etc. As he disclosed in writing factum of his graduation, it is highly improbable to believe that he did not produce his degree at the time of scrutiny of documents. It seems to be concocted story of the respondent.

15. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petition deserves to be allowed and accordingly allowed.

16. The respondents are directed to reconsider case of petitioner after awarding four marks of graduation. Let the needful be done within two months from today.
17. 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.
18. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

25.09.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No