



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

1. LPA-1397-2025 (O&M)

Reserved on 3rd September, 2025

Date of Decision: 3rd November, 2025

HARYANA PUBLIC SERVICE COMMISSION ***Appellant(s)***
V/S
PARDEEP KUMAR AND OTHERS ***Respondent(s)***

2. LPA-1827-2025 (O&M)

HARYANA PUBLIC SERVICE COMMISSION ***Appellant(s)***
V/S
HIMANSHU AND OTHERS ***Respondent(s)***

3. LPA-1828-2025 (O&M)

HARYANA PUBLIC SERVICE COMMISSION ***Appellant(s)***
V/S
KALPANA YADAV AND OTHERS ***Respondent(s)***

4. LPA-1829-2025 (O&M)

HARYANA PUBLIC SERVICE COMMISSION ***Appellant(s)***
V/S
MAMTA ***Respondent(s)***

5. LPA-1830-2025 (O&M)

HARYANA PUBLIC SERVICE COMMISSION ***Appellant(s)***
V/S
ABHISHEK AND OTHERS ***Respondent(s)***

6. LPA-1831-2025 (O&M)

PUBLIC SERVICE COMMISSION ***Appellant(s)***
V/S
RASHMI YADAV ALIAS RASHMI HIRALAL YADAV AND OTHERS ***Respondent(s)***

7. LPA-1832-2025 (O&M)

HARYANA PUBLIC SERVICE COMMISSION ***Appellant(s)***
V/S
NACHITA AND OTHERS ***Respondent(s)***

8. LPA-1833-2025 (O&M)

HARYANA PUBLIC SERVICE COMMISSION ***Appellant(s)***
V/S
SURBHI AND ANOTHER ***Respondent(s)***

9. LPA-1845-2025 (O&M)

HARYANA PUBLIC SERVICE COMMISSION ***Appellant(s)***
V/S
MINU YADAV AND OTHERS ***Respondent(s)***

<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>BHARTI SHAKLA AND OTHERS</i>	<u>10.LPA-1846-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>ANSHUL AND OTHERS</i>	<u>11.LPA-1847-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>DEEPIKA AND OTHERS</i>	<u>12.LPA-1848-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>NEELAM AND OTHERS</i>	<u>13.LPA-1850-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>ANJALY AND OTHERS</i>	<u>14.LPA-1853-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>VIPIN SINGLA AND OTHERS</i>	<u>15.LPA-1855-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>PRIYANKA AND OTHERS</i>	<u>16.LPA-1857-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>SHABNAM AND OTHERS</i>	<u>17.LPA-1858-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>POOJA YADAV AND OTHERS</i>	<u>18.LPA-1859-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>ATUL KUMAR AND OTHERS</i>	<u>19.LPA-1860-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>

<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>AAMIR SUHAIL AND OTHERS</i>	<u>20.LPA-1861-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>SONAM SAINI AND OTHERS</i>	<u>21.LPA-1862-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>PROMILA YADAV AND OTHERS</i>	<u>22.LPA-1840-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>KALPANA YADAV AND OTHERS</i>	<u>23.LPA-1841-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>ANUJ AND OTHERS</i>	<u>24.LPA-1852-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>JYOTI AND NOTHER</i>	<u>25.LPA-1854-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>LALITA AND OTHERS</i>	<u>26.LPA-1856-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>BHANU KUMAR PANCHAL AND ANOTHER</i>	<u>27.LPA-1864-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>BERKHA AND OTHERS</i>	<u>28.LPA-1865-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>KARUNA AND OTHERS</i>	<u>29.LPA-1867-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>

<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>MANJEET KUMAR AND OTHERS</i>	<u>30.LPA-1869-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>PRIYA AND ANOTHER</i>	<u>31.LPA-1877-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>POONAM AND OTHERS</i>	<u>32.LPA-1883-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>
<i>HARYANA PUBLIC SERVICE COMMISSION</i> V/S <i>NEHA DHIMAN AND ANOTHER</i>	<u>33.LPA-1396-2025 (O&M)</u> <i>Appellant(s)</i> <i>Respondent(s)</i>

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
 HON'BLE MR. JUSTICE KULDEEP TIWARI

ARGUED BY :-

Present: Mr. Lokesh Sinhal, Sr. Addl. A.G., Haryana with
 Mr. Kanwal Goyal, Ms. Sheena Dahiya and Ms. Komal Klana,
 Advocates for appellants-HPSC.

Mr. D.S. Patwalia, Sr. Advocate assisted by
Ms. Sehar Navjeet Singh, Advocate for the respondents
in LPA-1397-2025.

Mr. Amit Jhanji, Sr. Advocate assisted by
Mr. Sarthak Gupta, Mr. Arjun Singh, Advocate,
Mr. Abhishek Premi, Advocate
for respondent No.1 in LPA Nos. 1855,1852,1859, 1831, 1841,
1860, 1848, 1862 and 1833 of 2025,
for respondents No.1 &2 in LPA Nos. 1827, 1853 & 1856 of 2025,
for respondents No.1 to 9 in LPA No.1869 of 2025,
for respondent No.2 in LPA No.1847 of 2025,
for respondent-Mamta in LPA No.1829 of 2025,
for respondents No. 5,7, 10 to 16, 18 to 20, 22 to 29, 31 to 32,
34 to 48, 50 to 70, 72 to 111, 113 to 120, 122 to 129, 131 to
135, 137 to 143, 145 to 171, 173 to 177 in LPA No.2451 of
2025 and
for respondents No. 649, 650, 653, 692, 703, 708, 743, 772,
774, 777, 785, 788,790,806,807, 822, 827,838, 864,869, 874,
878,888, 890, 894, 899, 906, 911, 916, 920, 937, 946, 1009,

1014, 1044, 1048, 1064, 1074, 1089, 1091, 1102, 1022, 1026, 1144, 1161, 1173, 1192, 1219, 1235, 1239, 1241, 1250, 1253, 1256, 1258, 1280, 1297, 1330, 1342, 1374, 1379, 1398, 1413, 1417, 1418, 1431, 1440, 1449, 1456, 1462, 1464, 1475, 1492, 1499, 1500, 1518, 1522, 1529, 1531, 1533, 1537, 1544, 1548, 1550, 1551, 1555, 1557, 1578, 1591, 1597, 1603, 1617, 1627, 1635, 1637, 1640, 1641, 1644, 1662, 1665, 1679, 1689, 1697, 1702, 1712, 1727 in CWP No.17396 of 2025.

Mr. Kamal Kumar Mor and Mr. Ajay Putter, Advocates, for respondents LPA-1858-2025.

Mr. Akshay Jindal and Mr. Bhavya Vats, Advocate for the respondent in LPA-1396-2025.

Mr. Harkirat Singh and Mr. Vikram Singh, Advocates for the respondent in LPA-1847-2025.

Mr. Balraj Singh Rathee and Mr. Vijay Deep Rathee, Advocates for respondent-Priyanka in LPA-1827-2025.

Ms. Indu Bala and Ms. Anju Bansal, Advocate for respondent No.1 in LPA-1854-2025.

Mr. Dixit Garg, Advocate, for respondent No.1 in LPA-1864-2025.

Mr. Parveen Kumar Rohilla, Advocate for respondent No.1-in LPA-1830-2025

Mr. Ankur Kaushik, Advocate for respondent in LPA-1877-2025.

Mr. Naman Jain, Advocate and Mr. Aneesh Sharma, Advocate for respondent No.10 in LPA-1396-2025.

Mr. Kamal Mor, Advocate for respondent in LPA-1858-2025.

Mr. Mazlish Khan, Advocate for respondents No. 1 to 3 in LPA-1861-2025.

ASHWANI KUMAR MISHRA, J.

1. These bunch of Appeals arises out of a composite judgment dated 15.02.2025, passed by the learned Single Bench in a bunch of Writ

Petitions wherein a direction is issued to the Haryana Public Service Commission (hereinafter referred to as “the Commission”) to accord benefit of reservation to the writ petitioners on the basis of their respective certificates of different categories i.e. BC(A), BC(B) and EWS submitted after the last date fixed for filing such certificates, along with their applications, pursuant to the advertisement. **Slight variance in facts in the case of the petitioner, namely, ‘Neha Dhiman’ was noticed and dealt with, separately by the learned Single Judge, Ultimately, the orders of the Commission holding the petitioners ineligible, were set aside and all the petitions were allowed.**

2. The records reveal that the Commission issued an advertisement No.16/2024 on 21.06.2024, inviting applications for appointment to 805 posts of Ayurvedic Medical Officers (Group B) in Health & Ayush Department, Haryana. The advertisement contained various details required from the candidates as also the prescription of qualification and specified the date for commencement of submission of online applications as “22.06.2024” and closing date specified was “12.07.2024” at 5 P.M. The instructions accompanying the advertisement specified that candidates were to register online on the Commission's website in order to submit their application forms. After registration, they were to create a login ID and complete the registration process using the login credentials. For the purposes of authentication of candidate, Parivar Pehchan Patra (PPP), Adhar Card and Virtual ID (VID) were admissible. After registration, the candidate could apply as per their qualifications.

3. The duly filled application-form could be submitted only after payment of requisite fee. The candidates, after making payment of requisite fee, were required to take a print-out of their application form and upload the same, after duly checking and signing its contents. The process of submission of applications was to be completed only after uploading of duly signed uploaded application form by the candidates. The last date for submission of the application was “**12.07.2024**”. Relevant portion of the said advertisement is reproduced as under:-

<i>“Item(s)”</i>	<i>Timeline</i>
<i>Date of Publication</i>	<i>21.06.2024</i>
<i>Opening date for submission of online applications (Opening Date)</i>	<i>22.06.2024.</i>
<i>Closing date for submission of online applications (Closing Date)</i>	<i>12.07.2024</i>

1. XXXXXX

2. XXXXXXXX

3. LATE DATE FOR RECEIPT OF APPLICATIONS:

The online Applications can be submitted up to the Closing Date till 5:00 P.M. The eligible candidates shall be issued an e-Admit Card well before the commencement of the written test, if any. The e-Admit Card will be made available on the website <http://hpsc.gov.in/en-us/> for downloading by the candidates. No Admit Card will be sent by post.”

4. Clauses 1 and 6 of the advertisement which specified the eligibility for the post as also the essential qualification, reads as under:-

“1. CANDIDATES TO ENSURE THEIR ELIGIBILITY FOR THE POST:

The candidates applying for the post should ensure that they fulfill all eligibility conditions for the post. Their admission to the recruitment process will be purely provisional subject to satisfying the prescribed eligibility conditions. Mere issuance of e-Admit Card to the candidate will not imply that his/her

candidature has been finally cleared by the Commission. The eligibility of a candidate with reference to the documents submitted by him/her is assessed only after the candidate has qualified for the interview.

Note: The decision of the Commission with regards to the eligibility of a candidate shall be final.”

xxxxxxx

6. ESSENTIAL QUALIFICATIONS:

- (i) A degree in Ayurvedic System of Medicine from any University or Institution recognized of the Government.*
- (ii) Knowledge of Hindi up to Matric standard.*

Note 1:

Candidate should be registered with Board of Ayurvedic/Unani System of Medicine, Haryana (Now, Indian Medical Council of Haryana).

Note2:

- (i) **The eligibility of the candidate with regard to educational qualifications, experience etc. shall be determined on the Closing Date fixed for submission of online application forms.***
- (ii) **All applicants must fulfil the essential requirements of the post and other conditions stipulated in the advertisement on the Closing Date.** They are advised to satisfy themselves before applying that they possess at least the essential qualifications laid down for the posts. No enquiry asking for advice regarding eligibility will be entertained.*
- (iii) **The certificates/ documents in support of educational qualifications, experience, domicile, caste, category etc. should be possessed by the candidates on or before the Closing Date. The certificates issued after the Closing Date will not be accepted by the Commission.** The qualification which is not claimed/mentioned by the candidate in the online application form will not be taken into consideration by the Commission.*

(iv) **The improvement in marks done by a candidate after the Closing Date shall not be considered for any purpose in this recruitment.**

(v) *The prescribed essential qualifications are the minimum and mere possession of the same does not entitle candidates to be called for interview.*

(vi) *In the event of number of applications being large, Commission will adopt shortlisting criteria to restrict the number of candidates to be called for interview to a reasonable number by any or more of the following methods:-*

(a) *On the basis of percentage of marks of the candidates in the minimum educational qualification prescribed in the advertisement.*

(b) *On the basis of percentage of marks of the candidates in different educational qualifications, with weightage as decided by the Commission.*

(c) *On the basis of desirable qualifications or any one or all of the desirable qualifications if more than one desirable qualification is prescribed.*

(d) *On the basis of higher educational qualifications than the minimum/essential qualification prescribed in the advertisement.*

(e) *On the basis of higher experience in the relevant field than the minimum prescribed in the advertisement.*

(f) *By counting experience before or after the acquisition of minimum/essential qualifications.*

(g) *By holding a Recruitment Test.*

The candidate should, therefore, mention all his/her qualifications and experience in the relevant field over and above the minimum qualifications.”

(Emphasis supplied by us)

5. It transpires that a writ petition was filed before this Court after the last date fixed, raising the grievance that due to some technical glitch the

online application form of the petitioner therein, could not be uploaded. In pursuance of the observations of this Court, the appellant-Commission issued a corrigendum extending the date for filing of the application forms from 16th August, 2024 to 20th August, 2024.

6. The essential qualifications for the post in question, reproduced above, contained note(s) which specified that the eligibility of candidate shall be determined on the closing date fixed for submission of online application form. Essential requirements of the post must be fulfilled on the closing date. The certificates/documents in support of educational qualification, caste certificate etc. were to be possessed on or before the closing date. Any improvement in the marks secured after the closing date was not to be considered for recruitment.

7. Clause 11 of the advertisement provided for reservation and Sub-clauses (i) to (iv) thereof are relevant and are reproduced as under:-

11. RESERVATION:

- (i) *The benefit of reservation will be given only to those SC/BC-A/BC-B/EWS/PwBD/ESM category candidates who are domiciles of Haryana State.*
- (ii) *The women candidates seeking reservation under SC/BC-A/BC-B category are required to submit the Caste Certificate issued by the Competent Authority from **Parental Side (Father's side)** only. It should be noted that Certificate **from in-laws (Husband Side)** will not be entertained.*
- (iii) *It is clarified that State Government has decided to specify the criteria for exclusion of persons with the Backward Classes as Creamy Layer, regarding reservation in Service and Admission as per notification No. 491-SW(1) 2021 dated 17.11.2021. Therefore, the candidates belonging to BC-A/BC-B category of Haryana*

are required to attach latest/updated Certificate as per notification No. 491-SW(1)2021 dated 17.11.2021 & Govt. instruction No.22/132/2013-IGS-III dated 22.03.2022 (available on the website of C.S. Haryana i.e. <http://csharyana.gov.in>) issued by the Competent Authority during 2024-25 only.

- (iv) Candidates who have in possession of OBC certificate. The candidates are advised to submit BC-A/BC-B certificate as per instructions detailed above.”

8. Clause 13 of the advertisement related to certificate by candidate belonging to EWS category of Haryana, which is reproduced as under:-

“Certificate by the candidates belonging to Economically Weaker Section (EWS) of Haryana:-

- (i) The candidates belonging to EWS category of Haryana are required to attach necessary CERTIFICATE as per Haryana Govt. Instructions issued vide No. 22/12/2019-1GS-III dated 25.02.2019 (Available on the website of CS Haryana i.e. <http://csharyana.gov.in/> issued by the Competent Authority.
- (ii) The EWS certificates should be valid for the year 2024-25 showing annual income of the family less than Rs.6 Lacs.”

9. Special instructions regarding submission of applications were specified under Clause 16 of the advertisement, which *inter alia* required the candidates to read all instructions and procedures carefully, before filling the online application form and to check all the particulars in the form after taking a print-out, to ensure the correctness of the particulars filled therein. The candidates were mandatorily required to sign the application form after checking all the particulars and thereafter upload the scanned copy. It was

also clearly stated that after the final submission of the application form, no change will be allowed at any stage, and the candidate will be responsible for any mistake in the same. It was further provided that the application form had to be uploaded along with documents specified in the advertisement itself. The relevant provisions of Clause 16 are extracted as under:

“16. Special Instructions Regarding Submission of Applications:-

XXX XXX XXX

(iii) Candidates are advised to fill their application forms carefully such as Name, Father's/Mother's name, Date of Birth, Category, Aadhar Card, Parivar Pehchan Patra (PPP), Qualification, marks obtained, passing year, photo, Signature, details & fee etc. The candidate should mention the Category to which he belongs, in the application form. After final submission of application form, no change will be allowed and no request for change of any particular/s in the online application form shall be entertained by the Commission after submission of application form.

(iv) The application form will finally be submitted only after paying the requisite application fee. After final submission of application form, no change will be allowed and no request for change of any particular(s) in the online application form will be considered / entertained by the Commission at any stage.

XXX XXXX XXXX

XXXX XXXX XXXX

(vii) Candidate will be responsible for any mistake in the application for and fees paid by him/her. In case candidate feels that he/she has filled up the form erroneously, he/she should fill up a fresh online application form along with fresh requisite fee before the closing date.

XXX XXX XXX

(x) Documents to be uploaded with Application Forms:

5. *Scanned Copy of BC(A) and BC(B) certificate should be issued for the year 2024-25 as per Govt. Instructions dated 17.11.2021 and 22.03.2022.*
6. *Scanned copy of EWS certificate valid for year 2024-2025 as per Govt. instruction dated 25.02.2019.*
11. *Scanned copy of Privar Pehchan Patra (if a candidate availing benefits of reservation).....”*

10. Since there is a variance in the facts and issues involved in the case of the writ-petitioner, ‘Neha Dhiman’, the same shall be dealt with separately. As regards all other writ-petitioners, it transpires, that they applied pursuant to the advertisement claiming reservation under BC(A)/BC(B) and EWS category. The writ petitioners, who had claimed reservation under BC(A) and BC(B) categories, had not appended their certificates of Non-Creamy Layer as per the requirement mandated under the advertisement for the year 2024-2025. Similarly, the candidates belonging to the EWS category, had also not submitted their EWS certificates in terms of Clause 13 of the advertisement.

11. The Commission, therefore, did not treat the applications of the petitioners as valid applications, however, before rejecting the same, issued a notice on 26.12.2024, the contents whereof read as under:-

“Kindly refer to your online application form for the post of AMO. On checking/scrutiny of your online application form to adjudge your disability, your candidature has found provisionally liable for rejection due to the following reasons-

1. *You have not submitted BAMS Registration certificate, which is required as per the advertisement on or before closing date of 12.07.2024.*
2. *You have not submitted the marksheets & Degree of BAMS.*

3. *You have attached the certificate of BC(A) category dated 31.12.2019 as per the Govt, letter No. 1470-SW(1)-95 dated 07.06.1995, 22/36/2000-3GS-III dated 09.08.2000 & Nd. 213-SW(L)-2010 dated 31.08,2010 whereas as per the clause 11 (ii) of the advertisement, the certificate of BC(A) category is required as per Govt. notification No. 491-SW(I) 2021 dated 17.11.2021 & Govt: instruction No 22/132/2013-1 GS-I dated 22.03.2022 during 2024-25 only.*

*You are, therefore, directed to submit your representation, if any, against your proposed rejection along with documentary proof latest by 03.01.2025 on Email i.e.:**Sr1-hpsc@hry.rovin**, failing which, it will be assumed that you have nothing to say against your proposed rejection and your candidature will finally be rejected. The representation' without any supporting documents and received after the due date / time will not be considered by the Commission and no correspondence in this regard will be entertained by the Commission."*

12. The writ petitioners, who had not annexed their respective BC(A), BC(B) and EWS certificates for the year 2024-2025 responded vide their representation by claiming entitlement to the reserved category on the strength of certificates which were issued to them for the previous years. The writ petitioners, moreover, also annexed caste certificates, issued to them after 12.07.2024, along with such representation. These certificates have not been taken into consideration by the Commission as they were issued after 12.07.2024, which was the last date fixed in the advertisement for entertainment of the application.

13. The terms of the advertisement provided that the eligibility of a candidate would be examined only if a candidate cleared the written

examination. All the petitioners were allowed to appear in the examination, and they cleared it. As such the eligibility of all the writ petitioners was examined after they cleared the written examination. It was at this stage, that the Commission declared the writ petitioners to be “not eligible” since their applications were not found in order. The writ petitioners then approached this Court by filing Writ Petitions, wherein, interim orders were issued permitting the petitioners to appear in the interview. The petitioners consequently appeared in the interview and in terms of the interim orders, posts were kept reserved for them. The Writ Petitions ultimately came to be allowed by the learned Single Bench vide the order impugned in these bunch of Appeals.

14. Learned Single Judge has allowed the claim of the writ petitioners holding them eligible in terms of the advertisement as well as the Office Memorandum issued by the State Government on 22.03.2022.

15. The Writ Petitioners, before the learned Single Judge, contended that the certificate required to be submitted by the candidate was only the document evidencing the proof of eligibility and was not the eligibility itself. It was urged that the eligibility certificate is valid for a given financial year irrespective of date when such certificate was issued. It was, therefore, argued that if the candidate is in a position to satisfy that he/she fulfills the requisite Non Creamy Layer requirement for the given financial year, he/she should be considered under the respective category in which the applications were made ; Clause 1 of the advertisement since specified that the eligibility of the candidate with reference to the documents submitted by him/her is assessed only after the candidate qualified for the

interview, therefore, it was argued that the closing date for submission of online applications was not sacrosanct.

16. It was further contended that as per the backward class certificate appended by the petitioners along with the application, the unique PPP number ID had been duly mentioned therein. Attention of this court is drawn to B.C. "non-creamy layer" certificate pertaining to one of the candidates, which reflects the PPP number and specifically records that the said certificate has been issued as per the Haryana State Notification dated 17.11.2021 for the year 2023-24 and that the same was issued on 07.04.2023. The same was found lacking only on the aspect of being non-compliant of the instructions dated 22.03.2022 issued by the Government of Haryana, on the subject matter regarding caste certificates including the certificates for Scheduled Caste, Deprived Scheduled Caste, Backward Class, Other Backward Class, Tapriwas, Vimukt Jati and Nomadic tribe through the Saral portal. He refers to Clause 4 of the said Government Instructions, which reads thus:

"4. Further, it is directed that no Government Department of Haryana shall obligate any Haryana resident to submit caste related documents if he/she provides PPN and his/her caste and caste category is marked as verified in Family Information Data Repository (FIDR)."

17. Referring to the above, petitioners contended that Government of Haryana had notified all the departments including the Public Service Commission as well as the Staff Selection Commission, that in the event a candidate attaches his PPP or gives the PP number, the authorities or the departments shall not obligate such resident to submit any other caste related

proof. He thus submits that the petitioners had mentioned their unique ID/PP number in the application form and that all other details pertaining to their caste as well as their eligibility criteria were automatically available with the Commission. Hence, submission of the backward class certificate was only a duplicacy of an information, notwithstanding that the said information was already available with the Commission.

18. Further submission on behalf of the writ petitioners was that earlier the creamy layer income/wealth criteria had been fixed @ 6 lakhs per annum or assets of Rs.1 crore and that the income limit had eventually been enhanced to 8 lakhs per annum as per the new instructions. He thus submits that once the petitioners were already fulfilling the criteria for claiming benefit under the backward class 'non-creamy layer' category having their annual income below 6 lakhs, they were in any case complaint with the requirement of having an income below 8 lakhs. Hence, it was only that the backward class 'non-creamy layer' certificate was to be issued in a new format. Thus, formatting of the certificate should not be made a basis for rejecting a candidate, especially when there is no dispute with respect to the eligibility otherwise on the closing date.

19. It has further been argued that the respondent-Commission itself issued a notice to the candidates who had appended backward class certificate pertaining to a different year or where the certificate was not as per the format and granted them an opportunity to submit a representation and for removal of defects, if any. Once the petitioners had responded to the said requirement and furnished fresh eligibility document in the proforma/format as prescribed by the respondent-authorities, there was no

occasion for rejection of their candidature. The said act on the part of the respondent-Commission amounts to defeating their own decision of calling for representation by giving a show cause notice to rectify the defects.

20. It has therefore been submitted that the respondent-Commission, as a matter of practice and practicality, has been adhering to the same principle uniformly for all selection processes initiated at different points in time by them earlier. Reference is also made to the selection process pertaining to the Post Graduate Teachers (PGTs) (referred to in CWP-1902-2025) wherein under similar circumstances, the notices were sent to the candidates conveying the reasons for their tentative disqualification and that on the candidates submitting their fresh certificates as per the requirement prescribed, their candidature has been considered valid and their names had been recommended by the respondent-Commission for appointment. It is thus submitted that the respondent-Commission cannot apply two different yardsticks on the basis of different vacancies being advertised or the process of selection initiated by them. The continued practice that had been followed by the respondent-Commission for all the selection process(es) undertaken by them creates a legitimate expectation in favour of the applicants as well, that a similar opportunity of removing the technical defects shall also be extended to them and that their candidature shall not be rejected solely on that ground.

21. Learned senior counsel for the petitioners further argues that the petitioners have otherwise secured more marks than the persons who are now likely to be recommended by the respondent- Commission (due to the petitioners having been declared ineligible), hence, equity as well as merit

demands that the petitioners should not be denied an opportunity of public appointment on their own merit in their respective category, solely on the account of certain defects especially when the said defects or errors do not in any manner cast any aspersion or doubt on the fairness of the process of selection. It is submitted that the validity/genuineness of the documents submitted by the petitioners remains unchallenged and unblemished. Hence, a meritorious candidate should not be ignored by the respondent-Commission to give preference to the persons lower in the order of merit. The same would otherwise be in violation of merit which governs public appointment.

22. The claim of the writ petitioners was resisted by the Commission on the ground that the terms of advertisement were binding upon the writ petitioners and since they had not furnished requisite documents to show their status as BC(A), BC(B) or EWS category, as such, they could not have extended the benefit of reservation in such category.

23. The Commission also placed reliance upon various judgments to contend that the terms of advertisement cannot be violated and the candidates who have not been able to produce the certificates, evidencing their respective reserved category, would not be entitled to be considered.

24. Learned Single Judge, after considering the respective submissions advanced by the rival parties, came to the conclusion that the status of the writ petitioners as persons belonging to respective reserved category was clearly established and merely because proof of eligibility was submitted later, it would not be appropriate to deny them benefit of reservation.

25. Thus, aggrieved, the appellant-Commission is before this Court.

26. On behalf of the appellant-Commission, it is argued that the closing date for submission of application in the advertisement is sacrosanct and learned Single Bench has erred in discarding settled legal proposition on this score. Reliance has been placed upon the terms of the advertisement in support of such submissions.

27. It is further contended that the benefit of reservation to candidates belonging to BC(A)/BC(B) category was available only if they belong to Non-Creamy Layer. The determination of Non-Creamy Layer is with reference to the income of a person in a particular financial year. It is, therefore, urged that unless the certificate issued in the year 2024-2025, certified that the income of candidate is below the specified amount/income for financial year 2023-2024 (01.04.2023 to 31.03.2024) it cannot be said that the status of Non-Creamy Layer of the candidate could be determined. It is, therefore, submitted that the specification of the year of issuance of a certificate is essential for determining the reserved category of the candidate and the Commission has not erred in insisting upon such candidates to furnish their caste certificate. Since their certificates are of a subsequent date, as such, they have rightly been discarded from consideration.

28. Reliance is placed upon judgement of the Hon'ble Supreme Court in Divya Vs. Union of India and Others; (2024) 1 SCC 448 as well as the judgment in Sakshi Arha Vs. Rajasthan High Court and Others; 2025 SCC Online SC 757 and Mohit Kumar Vs. State of Uttar Pradesh and Others; 2025 SCC Online SC 1125.

29. Mr. D.S. Patwalia, Senior Advocate, appearing on behalf of the respondents in LPA-1397-2025, relies upon the judgment of the Supreme Court in Raj Kumar Gijroya Vs. Delhi Subordinate Services Selection Board and another ;(2016) 4 SCC 754 as well as judgment of the Supreme Court in Karan Singh Yadav Vs. Government of NCT of Delhi and Others; SLP(c) No. 14948 of 2016 decided on 28.09.2022. On the strength of aforementioned judgments, it is contended that the candidates had clearly established their status as belonging to the reserved category and merely because the proof of eligibility was furnished after the cut-off date, it would not mean that they would not be entitled to the benefit of reservation in the category concerned.

30. It is pertinent to quote Clause 13 (xiii) of the notification dated 22.03.2022 issued by the Haryana Government, General Administration Department in respect of validity of a Caste Certificate for based on creamy layer criteria. The same reads as under:-

Clause 13 (xiii) Validity of a Caste Certificate.

(i) XXXXXXXX

(ii) XXXXX

(iii) **Certificates which include income and/or assets based information like creamy layer criteria shall become invalid after the validity period prescribed on the said certificate. Such certificates shall be valid for the current financial year, i.e. till coming 31st March (included) from the date it has been issued.**

(iv) XXXXX”

31. Records reveal that 805 posts of Ayurvedic Medical Officers came to be advertised on 21.06.2024 by the appellant-Commission vide

advertisement No.16 of 2024. The advertisement specified the eligibility of candidate for appointment to the post. It also specified that the eligibility of the candidate with regard to educational qualification, experience etc. would be determined on the closing date fixed for online application form. This date, as per the advertisement, was 12.07.2024. Note-2 appended to Clause 6 of the advertisement, relating to “*Essential Qualifications*” specified that all applicants must fulfill the essential requirement for the post and other conditions stipulated in the advertisement on the closing date. Sub-clause (iii) of Note 2 made it explicit that the certificates/documents in support of educational qualifications, caste etc. should be possessed by the candidates on or before the closing date. The condition that the certificates issued after the closing date will not be accepted by the appellant-Commission, has been made known to the candidates explicitly. Sub-clause (iv) of Note 2 also provides that the improvement in marks done by a candidate after the closing date shall not be considered for any purpose in the recruitment. This clarified that the closing date was the decisive deadline by which the candidate must possess all required eligibility criteria and supporting documents, including those related to educational qualifications, experience, domicile, caste, and degree. Taken collectively, the relevant clauses of the advertisement make it abundantly clear that the closing date held critical importance, and any material submitted thereafter was not to be considered.

32. Notwithstanding the specific terms of the advertisement, learned Single Judge has proceeded to allow the claim of the writ petitioners on the premise that the closing date was not sacrosanct and that what was relevant was the fulfillment of eligibility on the cut-off date and not the

proof of eligibility. Learned Single Judge has also opined that inviting of representations from the candidates on the aspect of eligibility by the appellant-Commission, amounted to an opportunity given to a candidate to establish his/her eligibility, and once such eligibility is established by the candidate, mere delay in submission of proof of eligibility would not be fatal. It has also been observed that by allowing the claim of the writ petitioners, the merit of the candidate would be protected in as much as the rejection of the petitioners' claim would result in less meritorious candidates entering in the select list for appointment. The premises, aforesaid, are questioned before us by the appellant-Commission in this bunch of LPAs.

33. At the outset, it would be worth referring to the relevant proposition of law on this aspect.

34. In Dolly Chhanda Vs. Chairman, JEE and others ;(2005) 9 SCC 779, the issue came to be examined by the three Hon'ble Judges' Bench of the Supreme Court in the context of denial of admission to the appellant therein in the MBBS Course. The principle of law, culled out by the Apex Court is contained in Para 7 of the said judgment, which is reproduced hereinafter:-

"7. The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e. in the matter of holding the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or marksheets. Similarly, in order to

avail of the benefit of reservation or weightage etc. necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement to benefit of reservation. Depending upon the facts of a case, there can be some relaxation in the matter of submission of proof, and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature.”

35. The Apex Court made it explicit that general rule, while applying for any course for study or post, is that the person concerned must possess the eligibility qualification on the last date fixed for such purpose. There can be no relaxation in this regard. It has to be established by producing the necessary certificates/degrees or marksheets. To avail benefit of reservation or weightage etc., necessary certificates would have to be produced. These are documents in the nature of proof of holding of a particular qualification or percentage of marks secured or entitlement to benefit of reservation. Depending upon the facts of a case, there can be some relaxation in the matter of submission of proof, and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature.

36. The observation of the Supreme Court in *Dolly Chhanda* (Supra) has to be appreciated in the facts of that case. The appellant in the case of *Dolly Chhanda* (Supra) had appeared in Joint Entrance Examination (JEE) for admission to a Medical course in the MI category reserved for

wards of Ex-Servicemen. The appellant's father was discharged from armed forces on the ground of permanent disability. The appellant's rank in JEE in the reserved MI category was 20 and she was called for counseling for admission to a Medical College. During the course of scrutiny of documents, it was revealed that in the certificate given to her father by the Zila Sainik Board in Column-3 pertaining to disabled/killed in war/hostilities, the expression "not eligible" was mentioned. Since, the aforesaid certificate did not satisfy the requirement of the reserved MI category, her candidature was rejected and the candidates placed lower in Rank i.e. Ranks 24 and 26, were given admission. The appellant produced the correct disability certificate issued by the army authorities; however, this certificate was not accepted by virtue of Clause 2.1.4 of the Information Brochure, requiring the certificate to be submitted before the cut-off date. The appellant obtained fresh certificate on 16.07.2003 wherein her father was shown to be "permanently disabled". The appellant again appeared for next round of counselling on account of increase in seats. Though persons securing Ranks between 27-30 were called for the counselling, but the appellant was overlooked. The appellant's case was that it was the Zila Sainik Board, which had committed a mistake in not issuing the correct certificate and said mistake having been rectified in the subsequent certificate issued on 16.07.2003 as such, the appellant claimed entitlement to admission. It was pointed out that the person lower in rank than her were granted admission.

37. For ready reference, we reproduce hereinafter, the facts of the case recorded by the Apex Court in para 3 of the said judgment: -

“3. The appellant passed 10+2 (Science) Examination conducted by the Council of Higher Secondary Education, Orissa, in First Class. As she was desirous of joining a medical course, she appeared in the Joint Entrance Examination, 2003 (for short 'JEE-2003') under the reserved MI category being daughter of an ex-serviceman NK Manoranjan Chhanda who was discharged from armed forces on the ground of permanent disability. Under Clause 2.1.4 of Information Brochure of JEE-2003 certain percentage of seats are reserved for children/widows of personnel of armed/paramilitary forces of Orissa, killed/disabled in action during war or peace time operation. Her rank in the JEE-2003 in the reserved MI category in the medical stream was 20 and accordingly she was called for counselling for admission to a medical college on 7.7.2003. During the course of scrutiny of papers, it was revealed that in the certificate dated 29.6.2003 given to her father by the Zilla Sainik Board in Column No.3 which pertained to "Disabled/killed in war/hostilities" the words "not eligible" were written. Since the aforesaid certificate did not satisfy the requirement of the reserved MI category, her candidature was rejected. The candidates who had secured ranks at 24 and 26 in the aforesaid category were given admission. She produced the disability certificate which was issued to her father by the army authorities, but in view of requirement of Clause 2.1.4 of the Information Brochure the same was not accepted. The appellant's father then requested the Zilla Sainik Board, Sambalpur to rectify the mistake, which issued a fresh certificate on 16.7.2003 which mentioned "Permanently Disabled" in Column No.3. The appellant then again approached respondent no.1 with the aforesaid correct certificate, but no action was taken. On coming to know that another round of counselling had been fixed for 29.10.2003 on account of increase in seat, the appellant went to the center concerned and requested for being given admission on the basis of the fresh certificate issued by the Zilla Sainik Board, which certified that her father had been discharged from armed forces on the ground of permanent

disability. The candidates who had secured rank from 27 to 30 in the MI category were called for counselling, but the appellant's candidature was not considered. The case of the appellant thus is that it was the Zilla Sainik Board which had committed the mistake in not issuing a correct certificate and the said mistake having been rectified in the second certificate issued on 16.7.2003, she was entitled to admission in a medical college as candidates securing lower ranks had already been admitted.”

38. The observations made by the Court in Para 7, reproduced hereinbefore, has to be read as a whole and the distinction carved out between “eligibility” and “proof of eligibility” cannot be read in isolation so as to doing away with the requirement of furnishing proof of eligibility by the candidate. The exception clause in the paragraph, based on the peculiar facts of the case cannot be read, in isolation, so as to do away with the principle laid down in the said paragraph.

39. The eligibility of appellant in *Dolly Chhanda* (Supra) as a ward of the personnel of army/paramilitary forces, killed/disabled in action was clearly met by her. She had applied and obtained a certificate from the competent authority. This certificate was wrong. A correct certificate was later on issued by the competent authority. There was no error/fault on part of the appellant therein in obtaining the requisite certificate which was to furnish the proof of eligibility. It was in this context that the Hon’ble Supreme Court observed that there could be some relaxation in the matter of submission of proof and it would not be proper to apply any rigid principle as it pertains in the domain of procedure.

40. In our understanding, the Hon'ble Supreme Court in *Dolly Chhanda* (Supra) did not lay down any principle of law that proof of eligibility is of no significance and can be produced at any later stage, completely overlooking the cut-off date fixed in the advertisement.

41. We may also refer to the judgment of the Hon'ble Supreme Court in *Charles K. Skaria* Vs. *Dr. C. Mathew* ;(1980) 2 SCC 752, wherein the distinction between the 'eligibility' and 'proof of eligibility' was coined. The context in which the issue figured before the Apex Court was noticed in Para 1 of the judgment: -

“The universities in the country are often among the contributories to the flood of litigation in the higher courts of the country. This pathological condition, to which present bunch of appeals bears testimony, must claim the healing attention of the nation's educational leadership. The four appeals before us present challenges to the scheme of admission to post graduate courses in medicine in the colleges of the Kerala State. But since that State is not alone in the tendency to temporise with constitutional values and writ petitions for college admissions are almost a hardy annual, we deem it our duty to permit ourselves a few preliminary observations before proceeding to the fact-situation and conflict-resolution.”

42. Concern, which led to making of the observation by the Court, is highlighted in para 5, which reads as under:-

“5. One of the bones of contention between the parties in the High Court related to candidates from universities outside Kerala. Articles 14 and 15 do not recognize state frontiers or the cult of 'the sons of the soil', if we may speak generally and oversimplistically. The necessary implication of the constitutional mandate is that every basic degree- holder who fills the bill can apply for admission for post- graduate courses. But the Kerala

State, in its wisdom, provided a niggardly quota of 2% of the total number of seats for candidates from the entire country minus Kerala- not a catholic approach informed by nationalist generosity, if we may say so with some trepidation. By way of aside we may observe that other States, observed with provincial impulses, are equally parsimonious is no validation of a violation of law, if it be so. Anyway, the prospectus provided that "instead of open competition, 2% of the seats under general merit are set apart for candidates coming from outside Universities other than Kerala and Calicut."

43. Operating norms fixed by the State for admission, were also taken note of in Para 8, which is reproduced hereinafter:-

"8. It is fair to state, now that we have sketched the backdrop, what the further facts are and what the High Court's verdict is. We may abbreviate the narration because we substantially agree with the main legal point decided by the High Court. Regrettably, its ultimate direction has thrown the academic year in post-graduate Ophthalmology into disarray and even wastage. Welfare-oriented judicial process must be constructive in its objective, must be geared to order as its goal and must pave the way for resultant contentment, avoiding negative writs which, in practice, prove to be congealing commands. Indeed, the High Court, on the crucial question, has more or less correctly stated the law regarding denial of opportunity for 'outsiders' and consequently found the admission to the courses all wrong, but through its judgment, has jettisoned students who are half-way through their courses and directed fresh admissions on new policies yet to be evolved, with little chance of any one getting through the examinations or even admissions during this academic year consistently with the university regulations and governmental tardiness. We cannot countenance such negativity without some effort at rescue through the court writ since a whole year of Ophthalmology study at the post-graduate level may well be lost to the State, what with the enormous investment in running such courses that

the universities have laid out and the people's need for such specialists. The Full Bench decision of the High Court, in its ultimate effect, has left behind it a fallout of demolition:

As a result of our above discussion and conclusion we allow W.A. No. 222 of 1979 and set aside the judgment of the learned Judge and the rank list for admission to the post-graduate courses in Ophthalmology, and quash the selections made on the basis of the said list.

We were rather distressed at having to quash the selections of budding youngsters to the specialised courses. Such thoughts prevailed with us in the Full Bench decision in State of Kerala and Anr. v. Rafia Rahim (1978 KLT 369). While the petitioners in those cases won the battle, they were denied the fruits of victory. We see no ground for a repetition of the same treatment to the petitioners before us. Particularly it is so, because some of them had filed the writ petitions before the selections, and some had obtained interim orders that the selections shall be finalized only subject to the result of the writ petitions in this court. We cannot lightly pass over these aspects. We would accordingly quash the selections made and direct a fresh selection to the courses, in accordance with law and in the light of the observation contained in this judgment.”

44. In *Charles K. Skaria* (Supra), admission was already offered to the appellant therein and he had pursued the course for some time before he was ousted on the ground that the proof of diploma was submitted afterwards. This was to result in the seat being wasted for the entire year. It was in this context that the observation made by the Court in Para 20, reproduced hereinafter, has to be understood: -

“20. There is nothing unreasonable nor arbitrary in adding 10 marks for holders of a diploma. But to earn this extra 10 marks, the diploma must be obtained at least on or before the last date for application, not later. Proof of having obtained a

diploma is different from the factum of having got it. Has the candidate, in fact, secured a diploma before the final date of application for admission to the degree course? That is the primary question. It is prudent to produce evidence of the diploma along with the application, but that is secondary. Relaxation of the date on the first is illegal, not so on the second. Academic excellence, through a diploma for which extra mark is granted, cannot be denuded because proof is produced only later, yet before the date of actual selection. The emphasis is on the diploma; the proof thereof subserves the factum of possession of the diploma and is not an independent factor. The prospectus does say:

(4)(b) : 10% to Diploma holders in the selection of candidates to M.S., and M.D., courses in the respective subjects or sub-specialities.

13. Certificates to be produced :- In all cases true copies of the following documents have to be produced:

(k) Any other certificates required along with the application.

This composite statement cannot be read formalistic fashion. Mode of proof is geared to the goal of the qualification in question. It is subversive of sound interpretation and realistic decoding of the prescription to telescope the two and make both mandatory in point of time. What is essential in the possession of a diploma before the given date; what is ancillary is the safe mode of proof of the qualification. To confuse between fact and its proof is blurred perspicacity. To make mandatory the date of acquiring the additional qualification before the last date for application makes sense. But if it is unshakeable shown that the qualification has been acquired before the relevant date, as is the case here, to invalidate this merit factor because proof, though indubitable, was adduced a few days later but before the selection or in a manner not mentioned in the prospectus, but still above board, is to make procedure not the handmade but the mistress and form not as subservient to substance but as superior to the essence.”

45. Thus, both in *Dolly Chhanda* (Supra) and *Charles K. Skaria* (Supra), the facts played a crucial role in the Courts making a distinction between the ‘eligibility’ and ‘proof of eligibility’ to render justice on facts. Therefore, divorced of the facts, the principle cannot be taken in isolation to completely negate the requirement of ‘proof of eligibility’ be furnished by a cut-off date. The underlying principle that the cut-off date fixed for submission of certificates of proof of eligibility is sacrosanct, has been reiterated by the Hon’ble Supreme Court in a series of matters.

46. In the case of *Divya* (Supra), the Hon’ble Supreme Court was seized of a similar issue, wherein the Apex Court had the occasion to interpret the Office Memorandum dated 19.01.2019 and 31.01.2019, prescribing the eligibility for Economically Weaker Section (EWS) category. The advertisement issued by the UPSC was examined by the Court to hold as under: -

“14. What is clear from the above is, before the closing date of application, the candidate has to be in possession of the requisite certificate for Financial Year 2020-2021.”

47. With regard to the requirement of possessing EWS certificate for the relevant year, in favour of the candidate for grant of reservation in EWS category, the Court proceeded to hold as under: -

“45. It is very clear that an EWS candidate acquired eligibility to be an EWS candidate for the purpose of CSE-2022 only if the candidate met the criterion prescribed by the Central Government and is in possession of the requisite I&AC based on the income for the F.Y. 2020-2021. Read with Rule 28, the candidate should also be in possession of the certificate as on 22.02.2022. So it is beyond cavil that one cannot decide for oneself that the candidate is an EWS candidate and only on the

fulfilment of the criteria and the issuance of the certificate before 22.02.2022 will the eligibility as an EWS candidate, ensure to the benefit of the candidate for the CSE-2022. The argument of Shri K. Parameshwar, learned counsel, that being from the “EWS” category is a status and the I&AC to be produced is only a proof and as such the I&AC can be produced at any stage cannot be accepted in the teeth of the clear prescription in the Office Memoranda read with the CSE- 2022 Rules. Further, as required under Rule 13, at the stage of DAF-I the document had to be submitted on-line before the prescribed date (in the present case for CSE-2022 the date was 15.07.2022) and that any delay in submission of DAF-I or document beyond the prescribed date was not allowed. These clear stipulations run counter to the submissions of learned counsel that on the rectification of a certificate it relates back to the date of the certificate.”

48. In *Divya* (Supra), the Hon’ble Supreme Court dealt with the case of *Charles K. Sakaria* (Supra) and noticed the distinctive features of the case in para 47, which is reproduced as under: -

*47. In Charles K. Skaria (supra), most candidates possessed the eligibility viz. the diploma. Only the proof in the form of certificate was awaited. The authorities had also accepted them as eligible, expressly informing the selection committee that for eligible candidates even if proof came later and before the final selection, it should be considered as valid. This was also equally the situation in Dolly Chhanda (supra), *Alok Kumar Singh* (supra) and *Dheerender Singh Paliwal* (supra) where the factual position about the eligibility was not in dispute. Those cases and the cases of that ilk cannot support the petitioners in this case for the purpose of claiming eligibility in CSE-2022 as an EWS candidate.”*

49. Ultimately, the principles have been laid down by the Court in Paras 50-51, which are also reproduced as under:-

“50. That is the fundamental distinction between the Charles K. Skaria (*supra*) line of cases and the cases at hand. As pointed out earlier, the eligibility for being categorized as EWS candidate crystallizes only when the I&AC is issued and, in this case, as required under the rules, it was to be issued and possessed by the candidate before 22.02.2022.

51. It is also very well settled that if there are relevant rules which prescribe the date on which the eligibility should be possessed, those rules will prevail. In the absence of rules or any other date prescribed in the prospectus/advertisement for determining the eligibility, there is a judicial chorus holding that it would be the last date for submission of the application. (See [Rekha Chaturvedi v. University of Rajasthan](#) [1993 Supp (3) SCC 168]; [Bhupinderpal Singh v. State of Punjab](#) [(2000) 5 SCC 262]; [Ashok Kumar Sonkar v. Union of India](#) [(2007) 4 SCC 54].”

50. In Divya, the Court also dealt with the case of **Ram Kumar Gijroya** Vs. **Delhi Subordinate Service Selection Board**; (2016) 4 SCC 754 and held as under in paras 61 to 64, which are reproduced hereinafter:-

“61. The strong reliance placed on [Ram Kumar Gijroya](#) case (*supra*) also does not impress us. Not only was there no rule, like we have in the present case, it was only while declaring the result, the requirement of submitting the OBC certificate before the cut-off date was introduced by the Selection Authority there. Moreover, unlike the present, there was no contention or issue raised [in that case](#) that eligibility ensures or crystallizes only on the issuance of the certificate and on possession of the certificate, before the prescribed cut-off date.

62. The judgment in [Ram Kumar Gijroya](#) case (*supra*) is also directly in conflict with the judgment of three Hon’ble Judges in [Ashok Kumar Sharma and Others vs. Chander Shekhar and Another](#) (1997) 4 SCC 18 wherein in para 6, it was held as under:-

“... So far as the first issue referred to in our Order dated 1-9-1995 is concerned, we are of the respectful opinion that majority judgment (rendered by Dr. T.K. Thommen and V. Ramaswami, JJ.) is unsustainable in law. The proposition that where applications are called for prescribing a particular date as the last date for filing the applications, the eligibility of the candidates shall have to be judged with reference to that date and that date alone is a well-established one. A person who acquires the prescribed qualification subsequent to such prescribed date, cannot be considered at all. An advertisement or notification issued/published calling for applications constitutes a representation to the public and the authority issuing it is bound by such representation. It cannot act contrary to it. One reason behind this proposition is that if it were known that persons who obtained the qualifications after the prescribed date but before the date of interview would be allowed to appear for the interview, other similarly placed persons could also have applied. Just because some of the persons had applied notwithstanding that they had not acquired the prescribed qualifications by the prescribed date, they could not have been treated on a preferential basis.....”

63. Apart from all of this, the correctness of [Ram Kumar Gijroya](#) case (supra) was referred to a three-Judge Bench in the case of Karn Singh Yadav. A perusal of para six of the referral order clearly shows that the Bench was echoing the ratio of the three-judge Bench in Ashok Kumar Sharma's case (supra) though there is no express reference to the said case. However, when the matter came before a three- Judge Bench, the reference was not answered and even after noticing that [Ram Kumar Gijroya](#) case (supra) covered the case of Karn Singh Yadav, the Court, however,

denied relief to Karn Singh Yadav, the petitioner by holding that since the appellant was never appointed to the post at that length of time it was not possible to grant any relief to the appellant. [Ram Kumar Gijorya](#) (supra) is clearly distinguishable.

64. *Be that as it may, we are bound by the judgment of the three-Judge Bench in [Ashok Kumar Sharma](#) (supra) and we follow [the said judgment](#) and reiterate the principle laid down thereon. It is also interesting to note that even in Deepak Yadav (supra), a judgment, strongly relied upon by the learned counsel for the petitioners, the principle in [Ashok Kumar Sharma](#) (supra) has been reiterated. However, because of what the Court called an abnormal and cataclysmal year, an exception was made due to the ongoing pandemic, lockdown and restrictions imposed thereof. In Alok Kumar Singh (supra), no rules like the ones present in this case are shown to have existed. In the present case, there are clear prescriptions as to eligibility, as has been discussed herein above.”*

51. The Court ultimately concluded as under in para 94.1:-

“94.1 The candidates claiming benefit of EWS Category for the purpose of CSE-2022, acquire eligibility only if they meet the criterion prescribed by the Central Government in the O.M. dated 19.01.2019 and 31.01.2019 and are in possession of the required Income and Asset Certificate (I&AC), based on the income for the year 2020-21. Further, as required under Rule 28 of the CSE Rules, 2022 read with the O.M. of 19.01.2019 and 31.01.2019 the candidate should have been in possession of the Income and Asset Certificate (I&AC) as on 22.02.2022. Any candidate not in possession of the I&AC in the prescribed format as mentioned herein above cannot claim the benefit of EWS Category. Equally, as required under Rule 13 of the CSE Rules, 2022 at the stage of DAF-I, the document in possession as on 22.02.2022 in the prescribed format, had to be submitted online before the prescribed date. The UPSC was justified in rejecting the candidature of those candidates claiming benefit

under the EWS Category if they had submitted their I&AC beyond the stipulated deadline. This conclusion has to be read with the reasoning in the judgment, particularly in paragraphs 42 to 45 under the heading "Eligibility for EWS category candidates for CSE-2022".

52. Recently, in **Mohit Kumar** Vs. **State of Uttar Pradesh and others**; 2025 SCC Online SC 1125, the issue came to be examined by the Hon'ble Supreme Court. The certificate relied upon by the candidate was not on the format prescribed in the recruitment notification. The question before the Court was as to whether non-consideration of the candidate for such reason would be bad.

53. The issue came to be examined by the Court, and it was held that all aspirants in a recruitment drive are entitled for the equal treatment. Non-compliance with the terms of the advertisement/notification is bound to trigger adverse consequences on rejection of the aspirant's claimed status. The Court went on to hold, as under in paragraph 19, which reads as under:-

"19. It is no longer res integra that terms of an advertisement issued in connection with a selection process are normally not open to challenge unless the challenge is founded on the ground of breach of [Article 16](#) of the Constitution or, for that matter, [Article 14](#). Once an advertisement is issued inviting applications for public employment, it is the responsibility, nay duty, of an aspirant to read and note the terms and understand what its requirements are. If any aspirant finds any of the terms ambiguous and there is scope for an inquiry inbuilt in the advertisement or is provided by any rule/regulation, an effort ought to be first made to obtain clarity for understanding the requirements accurately. If no such scope is available, nothing prevents the aspirant from seeking clarity by making a representation should such clarity be not provided, the aspirant

may participate in the process without prejudice to his rights and may question the term even after he is not selected. However, if the aspirant does not make any such effort and takes a calculated chance of selection based on his own understanding of the disputed term in the advertisement and later, he emerges unsuccessful, ordinarily, it would not be open to him to challenge the selection on the ground that the disputed term is capable of being understood differently. In such cases, the courts should be loath to entertain such plea of ambiguity while preferring to accept the recruiting authority's understanding of the said term. This is for the simple reason that the recruiting authority is the best judge of what its requirements are and it is such understanding of the recruiting authority that would matter most in cases brought up before the courts; hence, after commencement of the process wherein aspirants have participated without raising any demur as to what a particular terms means, even if any of the terms be ambiguous, the courts should lean in favour of the recruiting authority."

54. The facts of the present LPAs are analyzed, and we find that the advertisement clearly required the candidates to submit BC(A)/BC(B) certificate. The advertisement was issued in June 2024 i.e. 21.06.2024. The candidates, who claimed reservation for BC(A) and BC(B), were required to belong to Non-Creamy Layer. The determination of Non-Creamy Layer is with reference to the income and assets of a candidate. Certificate of BC(A)/BC(B) are, therefore, based on changing financial status of the applicant and therefore, it becomes necessary for the appellant-Commission to require the candidate to submit the certificate issued before the cut-off date.

55. We may note that under Section 5(1)(b) of the Haryana Backward Classes (Reservation in Services and Admission in Educational

Institutions) Act, 2016 provides that *‘no person belonging to creamy layer or backward class, shall be entitled to claim reservation for appointment in services under the State against the post reserved for the Backwards classes specified in the schedule’*.

56. The certificate of reservation is to be issued on the basis of income of the applicant during the previous financial year and as assessed during the last three financial years. The candidates, therefore, were directed to submit a certificate based on the income during the period 01.04.2024 to 31.03.2025 and assets of last three financial years i.e. 2022-2023, 2023-2024 and 2024-2025.

57. It is undisputed that all the respondents-writ petitioners claimed reservation in BC(A)/BC(B) or EWS category but had not submitted their respective caste certificate of the relevant period. In the leading case, the respondent No.1-Pradeep Kumar submitted the BC(A) certificate dated 31.12.2019. Similarly, BC(A)/BC(B) certificates of all other candidates/respondents were not of the relevant period as per the advertisement. The candidates were required to be possessed of the certificates on the last date of making of application i.e. 12.07.2024. The certificates annexed by them since were not in terms of the advertisement, therefore, they were rightly ignored.

58. On facts, we also notice that a Writ Petition bearing No. CWP-16790-2024, titled as Gita Vs. State of Haryana and Others, came to be filed by a candidate belonging to the general category, wherein it was alleged that there was some technical glitch in the portal of the appellant-Commission,

and consequently the petitioner therein could not upload her application form before the closing date.

59. When the Writ Petition was taken up, following observations were made by the Court on 14.08.2024, expressing concern on the plea raised by the Writ Petitioner: -

“Status report on behalf of respondent No.4 has been filed, which is taken on record.

Mr. Mukesh Kumar Ahuja, Secretary, HPSC, appears in person and assures that the matter will be looked into from all aspects that are necessitated, keeping in view the future of the candidates, who were seeking to apply for the post in question pursuant to Adv. No.16/2024.”

60. Although the appellant-Commission was of the view that there was no glitch yet, respecting the observations of the Court, the appellant-Commission proceeded to extend the date to allow submission of the application forms from 16.08.2024 to 20.08.2024 and made the following announcement on 16.08.2024: -

“This announcement is in continuation of Advertisements N.16/2024 for the posts of Ayurvedic Medical Officer (Group-B) in Health & Ayush Department, Haryana.

In view of the observations of the Hon’ble Punjab and Haryana High Court dated 14.08.2024 in CWP-16790-2024, the Commission has decided to allow submission of online application forms from 16.08.2024 till 11.00 AM on 20.08.2024.”

61. On behalf of the Writ Petitioners, it is contended that the date of submission of application form stood extended from 12.07.2024 to 20.08.2024.

62. We are not much impressed by the argument inasmuch as the appellant-Commission had merely permitted uploading of online application forms by opening the portal between 16.08.2024 to 20.08.2024. This cannot be construed as extending the date by when proof of eligibility had to be obtained and uploaded along with the application form. The extension of date of uploading of the application form was not to confer any benefit to those who are not in possession of the certificate of relevant period. The opening of the portal for the aforementioned period was only to enable those candidates who were ready to upload their application form along with all the eligibility certificates, before the earlier closing date, and could not upload the same, due to the alleged technical glitch in the server.

63. Similarly, the action of the appellant-Commission in inviting of representation could not have been construed as an act of extending the last date fixed for submission of application forms. What was intended by the appellant-Commission, as is apparent from its notice, was to give an opportunity to the candidates to explain their position as to the proposed ground of rejection. The intent was only to give an opportunity to clarify any factual error in the proposed ground for rejection, the number of applications being large. The perusal of the notice rather fortifies that the parameters on which the entitlement/eligibility for reservation were to be adjudged, was to be done strictly as per the provisions of the advertisement.

64. The argument that the persons lower in merit would stand selected, also does not impress us, as on a careful analysis of a scenario, inasmuch as a person once is not found entitled to reservation in

BC(A)/BC(B) category or EWS category, cannot impress upon his higher merit to seek relaxation of the advertisement.

65. We are also of the opinion that the learned Single Judge has wrongly taken note of an isolated instance in the case of post graduate teachers having being allowed to submit fresh certificates, as a uniform practice being followed by the appellant-Commission. There is nothing on record to substantiate the same. Even otherwise, no parity can be sought in violation of settled law regarding sanctity of the advertisement conditions.

66. As regards the facts and issues involved in the case of 'Neha Dhiman', it was claimed by the said petitioner that although she undisputedly belonged to the BCA category (Non-Creamy Layer), as certified in the certificate dated 06.07.2024, which was issued in consonance with the notification of the Government of Haryana, dated 17.11.2021, however, inadvertently while filling up the application form, the category was wrongly mentioned as BC(A) (Creamy Layer). It was claimed that although she submitted a representation to the Commission about the inadvertent error, however, her claim was rejected on the ground that no change is permissible in the category furnished by a candidate, after the closing date. The learned Single Judge, while considering the case of the said petitioner, has held that the filling up of wrong category was inadvertent and by mistake and the same deserved to be condoned.

67. Learned counsel appearing on behalf of the appellant-Commission has inter alia argued that it was specifically mentioned in Clause 16 of the advertisement form, that no change in the category would be permissible once the application form stood finally submitted. It was only

with the purpose to avoid any inadvertent mistake, that the candidates were repeatedly cautioned to carefully check the particulars that they filled in the application form, and a mechanism was set up wherein they were required to mandatorily take a print-out of the online application form, recheck the contents thereof, before signing and uploading the scanned copy of the same. Despite such mechanism of repeated checking of particulars, if the candidate still fills up a wrong category, as alleged, then the Commission cannot be blamed for the same.

68. In support of his arguments, regarding change of category, learned counsel appearing on behalf of the appellant-Commission, places reliance on the judgment of the Hon'ble Supreme Court in the matter of 'J&K Public Service Commission vs. Ishar Ahmed and another', (2005) 12 SCC 498 and order dated 12.05.2022 passed by a Division Bench of this Court in LPA-380-2022, titled as 'Suman Khatri vs. Haryana Public Service Commission'.

69. The learned counsel for the said respondent-petitioner rebuts the argument of the counsel for the appellant by submitting that the judgments referred above would not be applicable, since the petitioner is not seeking a change of category. It is contended that the specific document in support of the category upon which she is claiming the benefit, had already been appended with the application, which clearly establishes that the mentioning of the Creamy Layer category, was only an inadvertent mistake. Reliance is placed upon the judgment of this Court in the matter of 'Poonam Devi vs. State of Haryana and another', reported as 2024 NCPHHC 95034

and in the case of 'Haryana Staff Selection Commission through its Secretary vs. Sarla and others', 2019 SCC online P&H 5446.

70. Having heard the learned counsel for the parties, we find force in the submissions made by the learned counsel for the appellant-Commission that the mechanism adopted by it, provided sufficient opportunity to any candidate to rectify any such alleged inadvertent error as would be clear from perusal of Clause 16 of the advertisement. Not only did the candidate fail to rectify the error after taking the print out of the form and before signing and uploading the scanned copy thereof, she did not take any steps to submit a fresh application with the correct category as duly provided for. Admittedly, she appeared in the screening test held on 23.09.2024, result whereof was declared on 09.10.2024. It was only on 03.11.2024, that she belatedly filed a representation.

71. The judgments relied upon by the learned counsel for the said petitioner are distinct on facts, where the mistake in selecting option occurred on account of filling the application form with the aid of cybercafé, for which, there was no provision for correction. In the facts of the instant case, the concerned petitioner is an educated woman and does not allege that she was incapacitated due to any such circumstances.

72. It has to also be borne in mind that in the peculiar facts and circumstances, since a large number of applicants are involved, some finality has to be given, otherwise some candidate or the other would claim further relaxation, making it a never ending process, which would lead to administrative chaos.

73. On a careful analysis of the applicable principles of law and its applicability in the facts of these LPAs, we are of the view that the respondents-writ petitioners were not entitled to any relief in the matter inasmuch as they have not furnished the proof of their eligibility/made amends in their application, by the cut-off date, therefore, the contrary view taken by the learned Single Bench in the Writ Petitions, in such circumstances, cannot be sustained. **Accordingly, the LPAs stand allowed.** Order dated 15.02.2025 passed by the learned Single Bench in a bunch of Writ Petitions (lead case CWP-1262-2025) is set aside. The Writ Petitions filed by the respondents are consequently dismissed. No order is, however, passed as to costs.

74. All pending applications, if any, in these cases are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

November 3, 2025
Ess Kay/Neeraj

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>