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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18818-2022
Date of Decision: 22.08.2025

Vinay

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Brijender Kaushik, Advocate
for the petitioner.

Mr. Suneel Ranga, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking direction to respondent to grant him additional four marks of Graduation in Commerce.
2. The petitioner pursuant to advertisement No.4/2020 dated 30.12.2020 applied for the post of Constable. 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 scored in graduation. The relevant extracts of application form are reproduced below:-

Education	University /Board Name	Date of Declaration of Result	Date of Marksheet	Marks obtained	Total Marks	Percentage
Class 10 th (Mandatory)- Class 10 th	Central Board of Secondary		06 May 2015	443.00	500	88.60

<i>(General)</i>	<i>Education</i>					
<i>12th/10+2- 12th/10+2 (Commerce)</i>	<i>Central Board of Secondary Education</i>		<i>18 May 2017</i>	<i>377.00</i>	<i>500</i>	<i>75.40</i>
<i>Graduation B.A. (Arts)</i>	<i>Kurukshetra University</i>	<i>22 December 2020</i>		<i>1457</i>	<i>2400</i>	<i>60.71</i>

The documents enclosed in support of the above mentioned education qualifications are as below:

<i>S. N.</i>	<i>Document Name</i>
<i>1.</i>	<i>Affidavit attested by Executive Magistrate in prescribed format</i>
<i>2.</i>	<i>Category Certificate</i>
<i>3.</i>	<i>Document for Qualification 12th /10+2 – (12th /10+2) – (General)</i>
<i>4.</i>	<i>Document for Qualification Class 10th (Mandatory) – (Class 10th) – (General)</i>
<i>5.</i>	<i>Document for Qualification Graduation – (B.A.) – (Arts)</i>
<i>6.</i>	<i>Haryana Domicile Certificate</i>

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 63.141 marks and petitioner

has secured 60.20 marks. If four marks of graduation are added, his total marks would be much more than last selected candidate. The final result was declared on 16.06.2022. At the time of scrutiny of documents, detailed marksheet dated 08.04.2021 was produced. The respondent has formed an opinion that Detailed Marks Certificate (in short “DMC”) is dated 08.04.2021 and cutoff date for filing online application was 25.02.2021, thus, DMC issued after cutoff date cannot be considered. The 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-14946-2022** 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. Suneel Ranga, learned State counsel submits that petitioner uploaded application form claiming graduation but he did not upload either provisional degree or final degree or DMC of graduation. He submitted DMC at the time of scrutiny of documents. In the DMC dated 08.04.2021 marks of all the 6 semesters are jotted down. As DMC was issued after cutoff date, the petitioner was not entitled to additional four marks of graduation.

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 30.12.2020 and last date for filing application was 25.02.2021. The petitioner has secured graduation degree in 1st Division from Kurukshetra University in the Session of May-2020. He filed application form wherein duly disclosed particulars of his graduation. In

the application form, he disclosed marks of all the 6 semesters which shows that he was possessing marksheet of all the 6 semesters and had already cleared all the semesters by said date. The respondent has denied him additional marks on the sole ground that DMC comprising marks of all the semesters was issued by University after cutoff date. The petitioner produced DMC comprising marks of all the semesters at the time of scrutiny of documents. University has issued certificate dated 01.07.2022 (Annexure P-9) confirming dates of different semesters' exam and result. The said certificate reads as:

"To Whom It May Concern"

This is to certify that Mr. Vinay S/o Sh. Krishan lal appeared in B.A. 6th examinations held in May-2020 under University Roll No. 170081424 and Registration No. 17-SP-478 and his result was declared on 21.11.2020 with 307/400 marks but as RL-Lower subject to passing of all lower semester examinations. He appeared in the Re-appear Exams of B.A. 4th Semester examinations held in May-2020 and he passed the same examinations on 13.01.2021 and DMC bearing Sr. No. 019311 issued to him on 29.01.2021. Hence, he has passed the examinations of all semester examinations on or before January 29, 2021 and accordingly his consolidated DMC of B.A. 6th semester bearing Sr. No. 547195 with 1457/2400 Marks was issued on 08/04/2021. No new result was declared after 29.01.2021 but only consolidated DMC was issued to him on 08.04.2021.

ASSISTANT REGISTRAR-(R-III)"

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. Clause 3.1 of the advertisement prescribed documents which were required to be uploaded with application form. Para 3.1 of the advertisement reads as under:-

“3.1 Documents to be uploaded with Application Form

- 1. Scanned Copy of Essential Academic Qualifications i.e. Matriculation Certificate showing Date of Birth and other relevant details.*
- 2. Scanned Copy of SC/BCA/BCB/EWS/ESM/DESM/DFF certificate along with Haryana domicile Certificate issued by competent authority.*
- 3. Scanned copy of Certificate claiming weightage/marks under socio-economic criteria and experience along with Haryana domicile Certificate issued by competent authority.*
- 4. Scanned Photo duly signed by the Candidate.*
- 5. Scanned signatures of the Candidate.*
- 6. Scanned copy of all documents showing higher qualification, experience etc. on which basis candidate claim marks.”*

10. Note 8 to Clause 2.4 of 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 also terms as closing date. Note 8 of Clause 2.4 of the advertisement reads as under:-

“8. Qualifications and other terms and conditions of eligibility will be determined with regard to the last date fixed for receipt of online applications also terms as closing date.”

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 25.02.2021. Result of 6th semester was declared on 21.01.2020 and of 5th semester on 29.01.2021. The result of selection process was declared on 16.06.2022. He received detailed mark sheet on 08.04.2021. He duly disclosed particulars of his Graduation in the application form. 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 was not possessing Bachelor's degree by 25.02.2021.

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. As per letter of Kurukshetra University, Kurukshetra (for short 'KUK'), the result of 6th semester was declared on 21.11.2020 and of 4th semester on 29.01.2021. In the result card of 6th semester, grand total of all the semesters is enumerated. No result was declared after 29.01.2021 and cut off date was 25.02.2021. The petitioner actually cleared all the semesters by 29.01.2021 i.e. date on which result of 4th semester was declared. It is apt to mention here that petitioner was issued marksheet dated 18.03.2021 of 6th semester on 08.04.2021 whereas marksheet dated 13.01.2021 of 4th semester was issued on 29.01.2021. It shows that there

was re-appear in 4th semester and he secured marksheet of 4th semester after result of 5th semester. He in the application form disclosed marks of all the semesters. He duly disclosed that he is a graduate in Arts from KUK. He at the time of scrutiny of documents produced detailed marksheet of all the semesters, thus, for all purposes he was graduate at the time of filing application.

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. In the case in hand, from the perusal of marksheet of all the 6 semesters and letter of KUK it is evident that petitioner cleared all the semesters prior to cut off date. He was possessing marksheet of all the semesters which permitted him to disclose total marks obtained in graduation. In the absence of passing all the semesters and having marksheet, it was impossible for him to disclose total marks of all the semesters. It is practically a case where a student could not multiple times visit University or find out appropriate source to get degree within few days. The University was supposed to issue degree/DMC, the moment petitioner cleared all the semesters. Thus, he cannot be deprived from his valuable right to appointment on account of technicalities or procedural lapse.

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

16. The respondents are directed to reconsider case of petitioner

after awarding four marks of graduation.

17. Let the needful be done within two months from today. It is made clear that date of joining of the petitioner shall be his date of appointment for all intents and purposes.

(JAGMOHAN BANSAL)
JUDGE

22.08.2025
Prince Chawla

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