

2025:PHHC:009847-DB

LPA-2175-2024 (O&M)
Date of Decision: 23.01.2025

Yoginder Singh Malik

...Appellant

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present Mr. Pradeep Kumar Rapria, Advocate for the appellant.

Mr. Vivek Chauhan, Addl. AG, Haryana.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. This Court vide order dated 17.09.2024, directed the State counsel to inform the Court as to whether certificate dated 14.08.2006 was submitted by the appellant along with his application in the year 2006. Learned counsel for the State has produced the original record which reflects that the appellant at the time of filing of his application in the year 2006, had submitted in fact a certificate, dated 14.08.2006, which reflects that the appellant was a dependent of Ex-Army Personnel and he was, therefore, given appointment at that relevant time and he continued to perform his duties for more than ten years, whereafter, the selection was set aside by this Court and a fresh selection was conducted. At the time of fresh selections, the appellant again submitted another certificate of the year 2008.

2. Taking into consideration the new certificate of the year 2008, the respondents proceeded to reject the candidature of the appellant on the ground that the same was issued after the cutoff date of the submission of the application being 21.08.2006. Resultantly, the writ petition was filed before this Court, wherein, he specifically contended that at the time of his earlier application form, he had submitted a certificate dated 14.08.2006.

3. The learned Single Judge, however, vide the impugned judgment dated 10.07.2024, has not accepted his contention and relying on the principle that the documents have to be considered upto the last date of submission of application form and the new certificate produced dated 17.09.2008 is concerned, the same was subsequent to the cutoff date and accordingly the writ petition was dismissed.

4. We find that there has been some error on facts which has resulted in the order passed by the learned Single Judge. Admittedly, there was a certificate of 14.08.2006, with the respondents at the time when the appellant had originally submitted his application form which was before the cutoff date. It appears that the appellant has later on submitted another certificate of the year 2008 along with his application form in the year 2021. The appellant has continued to work against the post meant for DESM-GEN category and his selection was not found to be unjustified at any point in time. We have also seen the original record and found that there exists a certificate issued prior to the cutoff date. In the circumstances, we set aside the order passed by the learned Single Judge and allow the writ petition directing the respondents to consider the candidature of the appellant for appointment in terms of

advertisement originally issued in the year 2006 and offer him the post of Art and Craft Teacher, if he is found otherwise suitable for the said post, with the terms and conditions as directed by the Court earlier. He would also be entitled to consequential benefits.

5. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

23.01.2025
rajesh

1. Whether speaking/reasoned?

:

Yes/No
2. Whether reportable?

:

Yes/No