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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25296-2025
DECIDED ON:28.08.2025

AJAY

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Prayer**

This civil writ petition has been preferred to invoke the jurisdiction of this court under article 226/227 of the Constitution of India for the issuance of a writ in the nature of *certiorari* quashing the impugned order of termination dated 24.07.2025 (Annexure P-7) and the impugned speaking order dated 28.07.2025 (Annexure P-8) both passed by the respondent no. 2 and directing the respondents to permit the petitioner to continue with his service.

2. **Brief Facts**

The petitioner applied for the post of Fire Operator-cum-Driver advertised under Advertisement No. 3/2023, Category No. 243, for 2063 posts in the Directorate of Fire and Emergency Services, Haryana. The last date for submission of applications was 18.05.2023. The petitioner participated in the

Common Eligibility Test (CET), qualified, and was provisionally appointed on 20.03.2024 on the recommendation of the Haryana Staff Selection Commission (HSSC) but this appointment being subject to verification of documents, successful completion of mandatory fire-fighting training, and passing of departmental examination.

Subsequently, on scrutiny of records, it was found that the petitioner did not possess the essential qualification of having passed the basic course in Fire Fighting from a recognized institution as on the cut-off date of 18.05.2023. The certificate produced by the petitioner was dated 19.08.2023, i.e., subsequent to the cut-off date. A show-cause notice dated 11.06.2024 was issued, to which the petitioner replied asserting eligibility 20.06.2024. However, after consideration of the reply and clarification from HSSC reiterating the cut-off date vide letter dated 16.07.2025, the department terminated the petitioner's services vide termination order dated 24.07.2025, followed by a speaking order dated 28.07.2025.

Aggrieved by the same, the petitioner has sought the quashing of these orders on the ground that once HSSC had recommended his name after verification of documents, the department could not cancel the appointment after more than one year of service, and that such action is arbitrary and unjust.

Hence, this petition.

3. Contentions

Learned counsel for the petitioner submits that the impugned termination order is wholly illegal, arbitrary and unsustainable in law. It is urged that once the Haryana Staff Selection Commission (HSSC), being the recruiting agency, had verified the eligibility, and recommended the petitioner for appointment, the respondent-department was not competent to sit in appeal over the recommendation and cancel petitioner's appointment after a lapse of more

than one year. Moreover, the HSSC had the sole authority to determine eligibility and the subsequent action by the department in canceling the candidature is without jurisdiction.

It is further contended that the petitioner has served for about one and a half years with utmost sincerity, and has not been paid any remuneration during this period. To now terminate his services on the ground that the requisite certificate was obtained after the cut-off date amounts to putting the petitioner in extreme hardship and the principle of promissory estoppel and legitimate expectation would clearly apply to the case of the petitioner.

Counsel argues that the all qualifications as provided to be requisite by the advertisement was possessed by the petitioner as he had already undertaken the relevant course prior to the cut-off date, though the certificate was formally issued later and such procedural aspects cannot outweigh substantive merit.

Heard learned counsel for the petitioner.

4. Analysis

Having heard the counsel for petitioner at length and after proper perusal of the material placed on record, in view of the admissions qua the petitioner in his reply dated 20.06.2024 to the show cause notice issued by the respondent no. 2 dated 11.06.2024, it is not in dispute that the petitioner was issued the training certificate of 19.08.2023 while the cut-off date as in the advertisement of HSSC was 18.05.2023, and thus, the petitioner's educational qualification were not as per the advertisement, and the Service Rules, 2016. Therefore, since the essential qualification of passing the basic course in Fire Fighting from a recognized institution was mandatory as on the cut-off date, i.e. 18.05.2023 and admittedly, the petitioner did not possess the said qualification by

the relevant date and obtained the certificate only on 19.08.2023.

This court is sanguine of the well-settled principles of service law jurisprudence that eligibility must be satisfied on the last date prescribed for submission of applications, and no relaxation can be claimed thereafter. The appointment letter dated 20.03.2024 being provisional, subject to verification of documents, does not confer any vested right upon the petitioner. Once it was revealed that the petitioner lacked the essential qualification, the respondents were justified in canceling his provisional appointment.

The plea of estoppel or equity cannot override the statutory rules governing recruitment and the petitioner's continuation in service for some time on the basis of a provisional appointment cannot cure the defect of ineligibility at the threshold. Support may be drawn from the Supreme Court judgment in "**Ravinder Sharma vs State of Punjab AIR 1995 SC 277**", where it was held as under:

12. The appellant was directly appointed. In such a case, the qualification must be either:

- (i) a Graduate/Intermediate second class or,*
- (ii) Matric first class.*

Admittedly, the appellant did not possess this qualification. That being so, the appointment is bad. The Commission recommended to the Government for relaxation of the qualification under Regulation 7 of the Regulations. The Government rejected that recommendation. Where, therefore, the appointment was clearly against Regulation 7, it was liable to be set aside. That being so, no question of estoppel would ever arise. We respectfully agree with the view taken by the High Court.

Furthermore, the prescription of a cut-off date and adherence thereto is not a matter of empty formality but a requirement of discipline, uniformity and fairness in public recruitment. As held by the Apex Court in "**Bhupinderpal Singh v. State of Punjab, (2000) 5 SCC 262**", the cut-off date ensures a level playing field and prevents arbitrariness in selection and relaxation for one

candidate would open the floodgates and defeat the sanctity of the recruitment process. Relevant paragraph of the same is as below:

Placing reliance on the decisions of this Court in Ashok Kumar Sharma Vs. Chander Shekhar & Anr. JT 1997 (4) SC 99; A.P. Public Service Commission Vs. B. Sarat Chandra & Ors. 1990 (4) SLR 235; The Distt. Collector and Chairman, Vizianagaram (Social Welfare Residential School Society) Vizianagaram and Anr. Vs. M. Tripura Sundari Devi 1990 (4) SLR 237; Mrs. Rekha Chaturvedi Vs. University of Rajasthan & Ors. JT 1993 (1) SC 220; Dr. M.V. Nair Vs. Union of India & Ors. 1993 (2) SCC 429; and U.P. Public Service Commission, U.P., Allahabad & Anr. Vs. Alpana JT 1994 (1) SC 94, the High Court has held (i) that the cut off date by reference to which the eligibility requirement must be satisfied by the candidate seeking a public employment is the date appointed by the relevant service rules and if there be no cut off date appointed by the rules then such date as may be appointed for the purpose in the advertisement calling for applications; ii) that if there be no such date appointed then the eligibility criteria shall be applied by reference to the last date appointed by which the applications have to be received by the competent authority. The view taken by the High Court is supported by several decisions of this Court and is therefore well settled and hence cannot be found fault with.

In view of the above legal position, this Court is not inclined to interpose in the departmental decision. The action of the respondents in terminating the petitioner's services on account of lack of eligibility as on the cut-off date does not call for interference under Articles 226/227 of the Constitution of India.

5. Relief

In the light of facts and circumstances discussed hereinabove, the present petition stands dismissed being devoid of merits.

Accordingly, the writ petition stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

28.08.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No