



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Serial No. 242

CWP-29110-2022(O&M)
Decided on:-13.10.2025

Parvesh Kumar

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Jasbir Mor, Advocate
for the petitioner.

Mr. Rohit Arya, Additional Advocate General, Haryana.

Mr. Jagbir Singh, Advocate
for respondent no.4.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to consider the petitioner eligible for the post of PGT Mathematics against advertisement 4/2015, dated 28.06.2015, in Rest of Haryana (RoH) cadre, and further direct the respondents to place him at appropriate place in the final selection lists dated 12.01.2019 and 06.09.2022, Annexures P-10 and P-11.

2. As per the facts apparent on record, respondent no.3/Haryana Staff Selection Commission issued the aforementioned advertisement inviting applications for various posts including PGT Mathematics. The closing date for submission of applications was 21.09.2015, which was extended upto

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12.10.2015. The petitioner applied for the post in RoH cadre as a General category candidate and cleared the written test as well as the interview by scoring 90 and 22 marks, respectively, and total 112 marks. He was, however, not considered for final selection for which result was declared vide announcement dated 12.01.2019. Certain posts of Special Backward Class (SBC) category were later converted into General category as per the Government instructions, and, for such posts, the Commission declared another result on 06.09.2022. The fact of declaring the petitioner ineligible was notified by declaring the individual detailed result vide announcement dated 27.10.2022. The petitioner represented against it to the Commission vide representation dated 10.11.2022, but to no effect. And finally through a reply under the Right to Information Act, 2005, dated 18.11.2022, it was conveyed that he has been “found not eligible due to B.Ed. after cut of date”. The petitioner opposed this rejection by filing the instant petition.

3. Learned counsel for the petitioner contended that the Commission could not have declared the petitioner ineligible for the post as he had acquired Bachelor of Education (B.Ed.) degree before the last date for submission of application form/12.10.2015. The petitioner submitted result-cum-Detailed Marks Certificate (DMC) for second year B.Ed. examination held in July 2014, dated 24.09.2014 which showed he had provisionally passed the course. It was because he had a re-appear in one paper of first year examination, and was declared pass after re-evaluation result for that paper was declared on 31.12.2014; DMC was issued on 03.03.2015. Accordingly, the petitioner had cleared the degree course prior to the last date for submission of the application form and he was required to be considered

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eligible for the post. In fact, the Commission itself considered him eligible and interviewed him as well. Therefore, the candidature could not have been rejected subsequently. As per the final result, the cut off marks under General category for the post are 116 and the petitioner has secured 112, without adding at least 14 marks of experience which he is entitled to on the basis of valid certificates submitted; this makes his score above that of the last selected candidate and he becomes entitled to selection. In support of the contentions, learned counsel has placed reliance upon an order, dated 09.05.2019, passed in the case of a similarly placed candidate in CWP-1234-2019 titled *Anju Devi v. State of Haryana and others*.

4. *Per contra*, learned State counsel contended it was wrong to say that the petitioner was eligible for the post only because he had been interviewed. The public notice, dated 17.10.2016, itself mentioned that the candidates had been provisionally declared qualified for interview/*viva-voce* subject to fulfillment of eligibility conditions as per advertisement and service rules. Accordingly, the petitioner was also called for interview subject to verification of his eligibility. Learned counsel has referred to Annexure R3/1, which is attendance sheet for scrutiny of documents. It mentions the petitioner at serial no.49 as ineligible candidate due to “B.Ed. after cut-off date and B.Ed. 1st year DMC not attached”. The DMC for the second year attached with the documents showed that he had passed B.Ed. on 21.11.2015, which was after the cut-off date 12.10.2015. Therefore, being ineligible he could not have been selected. He has shown the petitioner’s selection record as well which contains a copy of DMC of B.Ed. second year, dated 16.10.2014,

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which declares the petitioner provisionally pass as per result dated 24.09.2014. It mentions his second year marks only-269/500. Apart from that, a copy of another DMC of B.Ed. second year, dated 21.03.2016, declaring him pass by obtaining 521/1000 marks as per result dated 21.11.2015, is also a part of the record. It mentions his first year marks also - 252/500. The B.Ed. first year DMC, dated 03.03.2015, relied upon by the petitioner declaring him pass on 31.12.2014, is not a part of the documents submitted by him to the Commission. Accordingly, he could not have been considered eligible for the post.

5. Submissions made by learned counsel for the parties have been considered.

6. Undisputedly, the petitioner was required to possess B.Ed pass certificate prior to the last date of submission of the applications for the course, i.e., 12.10.2015. He statedly had a re-appear in the first year B.Ed. examination, and could clear it only on 31.12.2014, after passing the second year examination for the course. Accordingly, he was declared provisionally pass in B.Ed. vide certificate dated 24.09.2014, which did not mention his first year marks. After clearing the first year examination on 31.12.2014, a composite certificate for the entire B.Ed. course giving his total marks as 521 out of 1000, dated 21.11.2015, was issued. And this certificate was submitted by the petitioner to the Commission which resulted in declaring him ineligible for the post as it had been issued after the closing date for submission of application forms. The selection record produced by the Commission established the fact that the certificate declaring the petitioner pass in B.Ed. first year on 31.12.2014 was not submitted to it, nor is there any averment to

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the contrary in the entire petition. The first time this certificate saw light of the day when it was brought on record before this Court as Annexure P-17. In this view of the matter, the Commission cannot be faulted for the decision to consider the petitioner ineligible for the post after the interview for which he was called provisionally subject to determining the eligibility.

7. Reliance placed by learned counsel for the petitioner on the order passed in *Anju Devi* case, who was a candidate similarly placed as the petitioner and had been issued DMC for M.Sc. Mathematics after the closing date on 21.10.2016, is misplaced. The final result of the selection was declared on 12.01.2019 and the revised result, after converting SBC category posts to General category, on 06.09.2022. The individual result was notified on 27.10.2022, declaring the petitioner ineligible. The selection accordingly stands finalised for over three years now, and the selected candidates have been appointed as well. There is no vacant post. This was not the situation in *Anju Devi* case as the order had been passed soon after declaration of final result on 12.01.2019. Besides, as recorded in the order itself, 302 posts under SC category, to which the petitioner therein belonged, were also lying vacant. Further, in case the petitioner herein is to be considered for appointment, it will result in removal of the last selected candidate/respondent no.6. This Court finds no justification to allow consideration to the petitioner in the facts aforementioned establishing that he himself has been at fault in not submitting the requisite certificate to the Commission before the closing date. For a fault on his part, the last selected candidate cannot be disturbed.

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8. Accordingly, finding no merits in the petition, it stands dismissed.

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Mehak

(TRIBHUVAN DAHIYA)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No