

2024:PHHC:172728-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-6965-LPA-2024 in/and
LPA No. 2850 of 2024 (O&M)
Decided on : 28.01.2025**

JASWINDER PAL SINGH

....Appellant

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. P.S. Mirpur, Advocate
for applicant-appellant.

Mr. R. S. Pandher, Sr. DAG, Punjab.

LISA GILL, J.

CM-6965-LPA-2024

Heard.

For the reasons mentioned in the application and arguments
addressed, delay of 187 days in filing of appeal is condoned.

Application is disposed of accordingly.

LPA No. 2850 of 2024

1. Prayer in this appeal is for setting aside order dated 20.03.2024,
passed by learned Single Bench whereby CWP No.3645-2024, filed by present
appellant/writ petitioner has been dismissed.

2. Appellant-writ petitioner filed CWP No.3645-2024 seeking a direction to respondents to consider his candidature for selection and appointment to the post of Sub Inspector, for which he had applied pursuant to advertisement dated 09.09.2021. Vide said advertisement dated 09.09.2021, applications were invited for filling up the post of Sub Inspectors in the Technical and Support Services Cadre of Punjab Police by way of direct recruitment. Appellant applied for the same, claiming to be fully eligible for said post. It is submitted that appellant-writ petitioner is an ex-serviceman having joined the Indian Army on 07.07.2004 and retired on 31.07.2021. It is submitted that appellant-writ petitioner cleared the written test and his name was reflected in the provisional list at Serial No.2428. Appellant also cleared the physical measurement test, however, his candidature was rejected on 22.12.2023 (Annexure P15), on the ground that he failed to submit the ex-serviceman certificate and Army Graduation Certificate. Aggrieved therefrom above said writ petition was filed.

3. Learned Single Bench while considering the facts and circumstances, dismissed the writ petition while taking note of the fact that this Army Graduation Certificate was not attached by petitioner alongwith his application as required and neither was that certificate produced at the time of scrutiny of documents. Therefore, it was held that authorities cannot be asked to consider the certificate at such belated stage. Aggrieved therefrom, present appeal has been filed.

4. Learned counsel for appellant vehemently argues that appellant was very well in possession of Army Graduation Certificate and merely because it could not be attached at the time of submission of application or at the time of scrutiny of documents, he should not be non-suited. It is thus prayed that this appeal be allowed, impugned order dated 20.03.2024 be set aside and writ petition be allowed as prayed for.

5. Learned counsel for the State on advance notice has opposed the appeal while submitting that terms and conditions of advertisement are sacrosanct and any violation thereof necessarily leads to rejection of candidature. It is thus prayed that this appeal be dismissed.

6. We have heard learned counsel for parties and have perused the file.

7. It is a matter of record that appellant did not submit his Army Graduation Certificate alongwith his application or even at the time of scrutiny of documents. Argument raised by learned counsel for appellant that the same was never asked for as such by respondents, therefore the same should be considered at later stage, is completely devoid of merit, hence rejected. It is the duty of candidate to submit complete documents as required. It is categorically mentioned in the advertisement that it shall be the duty of candidate to upload the application alongwith the requisite documents and that incomplete applications shall be rejected out rightly. It is specifically stated in the speaking order dated 22.12.2023 (Annexure P15) that a number of opportunities had been given to the candidates to submit documents but needful was not done. This order was passed after affording personal hearing to appellant.

8. Argument that the graduation certificate from the Indian Army is not an academic degree, therefore, appellant's candidature should not have been rejected on this ground, is also devoid of any merit, keeping in view the fact that appellant had applied in the category of ex-serviceman. It is relevant to refer to judgment of Hon'ble the Supreme Court in the ***State of Bihar and others Vs. Madhu Kant Ranjan and another, 2022(1) SCT 223***, wherein it has been held that a candidate/applicant has to comply with all conditions/eligibility criteria as per advertisement date before the cut off date. It is to be reiterated that certificate(s) in question was not even produced by appellant at the time of scrutiny of documents as well. In the given facts and circumstances learned Single Bench has correctly

dismissed the writ petition and we do not find any ground whatsoever to cause interference.

9. Learned counsel for the appellant is unable to point out any illegality, infirmity or irregularity in the impugned order dated 20.03.2024, passed by learned Single Bench, which calls for any interference by this Court in this appeal.
10. Appeal is accordingly dismissed, with no order as to cost.

(LISA GILL)
JUDGE

(ALOK JAIN)
JUDGE

28.01.2025
Sunil

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