



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

254/1

CWP-1421-2025

Date of Decision: 12.03.2026

PARDEEP KUMAR

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Sarthak Gupta, Advocate
for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the final result dated 27.07.2024, Annexure P-7, whereby the petitioner's roll number has not been included in the EWS category, despite having secured higher marks than the last selected candidate under the said category to the post of TGT Physical Education (Mewat cadre) against advertisement 02/2023. Further, a writ of *mandamus* has been sought directing the respondents to consider his candidature for appointment against the post, with all consequential benefits.

2. Facts of the case in brief are, the petitioner applied for the aforementioned post in Rest of Haryana as well as Mewat cadre as EWS category candidate and uploaded a certificate bearing no.EWS/2023/816, dated 15.02.2023, Annexure P-3, valid for the year 2022-23. He cleared the written examination held on 29.04.2023 and was shortlisted for scrutiny of documents to ascertain eligible candidates, as per result dated 21.06.2023,



Annexure P-5. The final selection result was declared by the Commission vide announcement dated 27.07.2024, Annexure P-7, and the last selected candidate in Mewat cadre under the category secured 58.90 marks. The petitioner secured higher marks, 59.85, as per announcement dated 04.11.2024, but could not be selected since his candidature had been rejected without citing any reason. He approached this Court by filing the instant petition, and the respondents were directed to keep one post of EWS category in Mewat cadre vacant during pendency of the case.

3. The Commission filed a written statement that at the time of scrutiny of documents the petitioner had submitted EWS certificate, bearing no.EWS/2023/1737 dated 17.04.2023, valid for the year 2023-24, whereas the requirement in terms of clause 15.9 of the advertisement was to possess such certificate valid for the year 2022-23. Accordingly, the Commission had no option but to reject the petitioner's candidature. It was however not disputed that a valid certificate had been uploaded by him along with the application form.

4. In this factual background, the issue arises for consideration is whether the petitioner's candidature could have been rejected only on the ground that he failed to produce a hard copy of the EWS certificate already uploaded along with the application form, at the time of scrutiny of documents. The issue has already been considered and decided in the negative in the connected petition, CWP-33269-2024, on similar facts. The relevant paragraphs of the judgment are as under:

6. It is apparent on record that the petitioner participated in the selection process as EWS category candidate for the post of TGT English in Rest of Haryana cadre, and secured 59.85 marks.



These are higher than the marks secured by the last selected candidate under EWS category, i.e., 57.95, as per the final selection result dated 27.07.2024. The reason for rejection of his candidature was submission of a wrong EWS category certificate at the time of scrutiny of documents. However, it is an admitted fact that while applying for the post he had uploaded EWS category certificate bearing no.EWS/2022/1178, dated 08.07.2022, valid for 2022-23 meant for jobs under the Government of Haryana. And mistakenly submitted another certificate of the same date valid for the same year bearing EWS/2022/1179, which was meant for jobs under the Government of India, at the time of scrutiny. It stands *prima facie* established that the petitioner is from EWS category and has uploaded an authentic certificate also to establish his credentials. He is not accused of misleading the Commission or concealing any relevant information from it. In the light of these facts, the violation committed by him, viz., failure to produce a hard copy of the EWS certificate already uploaded along with the application form, appears to be a trivial mistake and should not cost him the candidature itself. Especially when before taking the extreme step of rejecting the petitioner's candidature, he was never confronted with the facts and asked the reason for not producing the exact certificate that had been uploaded earlier.

7. Further, the consideration cannot be denied by referring to clause 18 of the advertisement also. It is to the effect that “*(o)nly those documents which are uploaded by the candidates shall be considered. If there is any variation in the document uploaded and produced at the time of scrutiny candidature shall be liable to be cancelled. ...*”. Apparently, the requirement is to consider only those documents which have been uploaded by the candidate, and the petitioner has undeniably uploaded a valid EWS category certificate along with the application form. The clause also requires that in case there is any variation between the document uploaded and the one produced at the time of scrutiny,



candidature shall be *liable* to be cancelled. The word ‘liable’ when used as an adjective means - very likely to happen [refer Cambridge Advanced Learner’s Dictionary, fourth edition]. Accordingly, the stipulation is that there is a strong probability of cancellation of candidature in case of variation. It does not mean that any variation in the documents would automatically lead to cancellation. Instead, it enables the Commission to take such a decision, and the necessary pre-requisite for this would be to cross-check the facts and/or question the candidate in this regard. To be just and reasonable the decision must adhere to this due process. Besides, the purpose of scrutiny of documents is to ascertain veracity of scanned copies of the documents uploaded, which will stand defeated in case the process is not undergone. Also, it is not a case that the scrutiny has to be done electronically or mechanically; it has to be done manually, involving a human element. Hence the minimum requirement to confront the candidate with the facts regarding the variation found during the scrutiny. It is all the more required considering the serious consequences that any such variation may entail, viz., cancellation of the candidature itself. It, however, remains undisputed that the petitioner was never asked about the reason for the variation in the documents uploaded and produced.

8. A reference can be made to the judgment passed by the Supreme Court in *Vashist Narayan Kumar v. State of Bihar and others*, (2024) 11 SCC 785, which dealt with somewhat similar situation. In that case, the candidature was rejected since due to inadvertent error the date of birth of the candidate got recorded as 08.12.1997, instead of 18.12.1997. And the correct date of birth was reflected in the educational certificates already submitted by him to the recruiting agency. The Court allowed consideration of his candidature with the following observations:

15. Recently this Bench in *Divya v. Union of India*, while declining relief to candidates who acquired eligibility after the date mentioned in the notification



carved out a narrow exception. There, the judgment in *Ajay Kumar Mishra v. Union of India*, a case very similar to the facts of the present case, was noted. In *Ajay Kumar Mishra*, Indira Banerjee, J. (as her Ladyship then was) speaking for the Division Bench of the Delhi High Court in para 9 stated as under: (*Ajay Kumar Mishra* case, SCC OnLine Del)

"9. It is true that whenever any material discrepancy is noticed in the application form and/or when any suppression and/or mis-representation is detected, the candidature might be cancelled even after the application has been processed and the candidate has been allowed to participate in the selection process. *However, after a candidate has participated in the selection process and cleared all the stages successfully, his candidature can only be cancelled, after careful scrutiny of the gravity of the lapse, and not for trivial omissions or errors.*"

(emphasis supplied)

The exception for trivial errors or omissions is for the reason that law does not concern itself with trifles. This principle is recognised in the legal maxim – *De minimis non curat lex*.

16 to 18 xxx xxx xxx

19. In this case, the appellant has participated in the selection process and cleared all the stages successfully. The error in the application is trivial which did not play any part in the selection process. The State was not justified in making a mountain out of this molehill. ...

In the instant case as well the petitioner's lapse in failing to produce hard copy of the EWS certificate already uploaded is minor in nature, and cannot form the sole basis to reject the candidature after he has successfully cleared the selection process.



5. In view thereof, the writ petition is allowed. Respondent no.3/Commission is directed to verify the petitioner’s EWS category certificate bearing no.EWS/2023/816 dated 15.02.2023, uploaded along with the application form, and recommend him for appointment as TGT Physical Education in Mewat cadre in case it is found to be compliant of the requirements, against the vacant EWS category post. Further, respondent no.2 is directed to offer appointment to the petitioner, subject to fulfilling the necessary requirements, notionally from the date other candidates pursuant to the selection in question have been appointed, and with actual benefits from the date of joining. These directions shall be carried out within four weeks of receiving a certified copy of this order.

(TRIBHUVAN DAHIYA)
JUDGE

12.03.2026

Ad

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