



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

229

CWP-2030-2022 (O&M)

Date of Decision: 18.02.2026

SANJIT KUMAR

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Ravi Partap Singh, DAG Haryana

Ms. Diksha Rathi, Advocate for
Mr. Vivek Khatri, Advocate
for respondent No.4

Mr. Mohinder Pal, Advocate
for respondent No.5

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to consider and appoint him on the post of Constable in Commando Wing of Haryana Police against Advertisement No.02/2021 dated 09.06.2021 under the category of Dependent of Ex-Serviceman (for short 'DESM') as per certificates dated 23.05.2019 and 03.01.2022.

2. The petitioner is 10+2 Pass and dependent of Ex-Serviceman. He pursuant to Advertisement No.02/2021 dated 09.06.2021 applied for the post of Constable under DESM Category. He was

possessing certificate dated 23.05.2019 issued by District Sainik Board certifying that he is son of Ex-Serviceman. He qualified Physical Measurement Test and Physical Screening Test. He also qualified Written Examination. His name figured in the result-cum-public notice dated 02.12.2021. Scrutiny of documents was held on 09.12.2021. He produced all original documents including Eligibility Certificate dated 23.05.2019. At that point of time, he was not having renewed copy of Eligibility Certificate. He received fresh Eligibility Certificate on 03.01.2022. The validity of Eligibility Certificate dated 23.05.2019 was one year, however, petitioner applied under DESM Category. He procured latest certificate on 03.01.2022. The final result was declared on 29.12.2021. He filed representation on 30.12.2021 praying inclusion of his name in the select list because he had secured 62 Marks whereas last selected candidate under his category had scored 54 Marks.

3. Learned counsel representing the petitioner submits that petitioner was possessing certificate dated 23.05.2019 issued by District Sainik Board while filing application form. He inadvertently did not get the said certificate renewed. He qualified all the stages of recruitment process. He appeared for scrutiny of documents. The respondent at the time of scrutiny of documents did not raise objection with respect to validity of Eligibility Certificate produced by him. Had authorities pointed out discrepancy, he would have submitted fresh certificate before the declaration of result, however, respondent simply rejected his claim and declared result. As per his information, there were two candidates

who belonged to General Category, however, were offered posts reserved for ESM Category. Those two candidates now have been selected under General Category, thus, two seats are still lying vacant. This Court in ***CWP No.14505 of 2022*** titled as ***Sumit Vs. State of Haryana and Others*** while considering identical clause has directed respondent to issue appointment letter to the petitioner therein. In the said case, petitioner was not having Eligibility Certificate at the time of filing application form whereas petitioner herein was having Eligibility Certificate though expired. The respondent revised result vide corrigendum dated 24.01.2022, thus, his claim being meritorious candidate could be considered.

4. *Per contra*, learned counsel representing the respondents submits that terms and conditions of the Advertisement were quite clear. As per terms and conditions of the Advertisement, the Eligibility Certificate which was available at the time of filing application could be considered. In the Advertisement, it was candidly mentioned that candidate must possess valid Eligibility Certificate on the date of filing application form. The petitioner concededly was having expired Eligibility Certificate, thus, could not be considered. Case of respondent is squarely covered by judgment of Hon'ble Supreme Court in ***Mohit Kumar Vs. State of Uttar Pradesh and Others, 2025 SCC OnLine SC 1125***.

5. Learned State counsel on 31.01.2026 was asked to ascertain whether post against ESM Category is still lying vacant or not.

6. Learned State counsel, on instructions from Mr. Kamal, ADA, HSSC and Mr. Devender, Assistant, office of DGP Haryana, Police Headquarter, submits that no post against ESM Category is lying vacant.
7. The petitioner concededly was not having valid DESM certificate at the time of filing application under said Category. He appeared for scrutiny of documents. He did not care to submit valid DESM Certificate even at this stage. The respondent declared result on 29.12.2021 and thereafter, he woke up and submitted valid certificate on 03.01.2022. The advertisement categorically provided that candidate must be possessing DESM Certificate at the time of filing application and must upload the same along with application form. Case of petitioner is squarely covered by judgment of Hon'ble Supreme Court in *Mohit Kumar (supra)*. In the absence of vacant post, this Court cannot direct respondent to consider the petitioner under DESM Category especially when he himself violated terms and conditions of the advertisement.
8. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.
9. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

February 18, 2026
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No