

2026.PHHC.019916



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CWP-12797-2024

Date of decision: February 06, 2026

PANKAJ KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ravinder Bangar, Advocate (through video conferencing)
and Ms. Anjali Bangar, Advocate
for the petitioner.

Mr. Rohit Arya, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking a writ of *certiorari* setting aside the order dated 12.03.2024, Annexure P-18, whereby the petitioner's candidature for the post of Art and Crafts Teacher against advertisement 6/2006, dated 20.07.2006, has been rejected on account of ineligibility, as the certificate of Diploma in Arts and Craft from the Kurukshetra University was statedly issued to him after the closing date for submission of application forms, i.e., 21.08.2006.

2. The facts of the case in brief are, the Commission advertised 816 posts of Art and Crafts Teachers vide the advertisement aforementioned.

Essential qualifications for the post were mentioned as under:

- I. Matric from Haryana School Education Board or an equivalent qualification recognized by the Haryana School Education Board.

- II. Two years Diploma in Art & Crafts examination conducted by the Haryana Industrial Training Department, or an equivalent qualification recognized by the Haryana Education Department.
- III. Knowledge of Hindi upto Matric standard.

The petitioner applied for the post as a BCA category candidate by filling up the application form, dated 19.08.2006, on the basis of his educational qualifications of Matric with knowledge of Hindi, 12th standard, and Diploma in Arts and Craft from the Kurukshetra University, which he had passed on 14.08.2006, Annexure P-3. Certificates to that effect were duly uploaded with the application form, Annexure P-2.

2.1 The Commission concluded the selection process and the selected candidates were recommended in their respective categories in 2010. The selection was, however, quashed by this Court vide judgment, dated 20.02.2015, rendered in CWP-18482-2010 titled *Suman Kumari v. State of Haryana and others*, which was upheld by the Division Bench vide judgment, dated 10.11.2020, passed in LPA-359-2015 titled *Vinod Kumar and others v. State of Haryana and others*. SLP filed against it was dismissed by the Supreme Court on 14.12.2020. Thereafter, the selection process was carried out afresh and written examination was held on 31.01.2021. The petitioner cleared the same as per the result declared on 23.02.2021. He was shortlisted and called for documents verification between 01 to 03.03.2021, and for interview thereafter, conducted from 14 to 18.03.2021. As per marks secured by the petitioner in the selection which find mention in the impugned order dated 12.03.2024, he got 116 marks in written test and 20 in interview, making it a total of 136. The last

selected candidate under BCA category, however, secured 127 marks. The final selection result was announced on 14.11.2021, but the petitioner could not be selected. He was considered ineligible during the interview process since his certificate of Diploma in Arts and Craft had been issued after the closing date for submission of application forms.

2.2 He approached this Court by filing the instant petition stating that he had cleared the Diploma before the closing date, and had also appended his certificate to that effect, dated 14.08.2006, with the application form. And that he had improved his marks of Psychology from 55 to 74, and a new Diploma certificate with the same roll number and registration number was issued by the University on 02.11.2006, Annexure P-4. This too was submitted by him to the Commission at the time of documents verification. The fact was further clarified by the University in a letter dated 16.03.2021, Annexure P-9, issued by the Registrar declaring that the petitioner cleared the final year examination of Diploma in Arts and Craft on 14.08.2006, and was issued result-cum-Detailed Marks Card (DMC) on 02.11.2006, on the basis of originally declared result.

3. In this factual background, learned counsel for the petitioner contended that rejection of the petitioner's candidature was without any basis, as he had the requisite qualification of Diploma prior to the closing date, and had submitted valid proof of the same to the Commission as well. Merely because he improved his marks later by securing 1200 marks out of 2000, and a new certificate dated 02.11.2006 was issued to him, it could not be a ground to ignore his earlier certificate dated 14.08.2006, certifying that he had passed the Diploma by securing 1181 out of 2000 marks.

4. *Per contra*, learned State counsel contended that the petitioner's candidature had been rightly rejected as he failed to establish possession of the requisite qualifications on or before the closing date for submission of the application form, despite notices having been issued for the purpose. Regarding these submissions he has relied upon the following paragraphs of the reply filed on behalf of the Commission:

16. That it is further pertinent to mention here that during the scrutiny of documents number of candidates alleged that their degrees and diplomas are before cut-off date as the final result was officially declared before the cut-off date but their DMC's have been issued after the cut-off date. In view of this, the number of such candidates being very large, the Respondent-Commission decided to provisionally consider those candidates for further selection process subject to the condition that they attain the minimum pass percentage of marks to be eligible to be called for interview in their respective category. Further, the Commission also decided to give chance to such candidates to prove their eligibility before cut-off date till the time of interview and in case such candidates remain unsuccessful in proving that they were duly eligible on cut-off date then the Commission will call more candidates to determine three times eligible candidates for interview. In view of above the respondent Commission issued public notice dated 16.03.2021 whereby giving an opportunity to candidates to prove their eligibility before cut-off date.

The operative part of public notice dated is reproduced as below:

"In continuation of interview notice dated 10.03.2021 against Advt. No. 6/2006, Category No.22 for the post of Art & Craft Teacher, it is advised that candidates who have submitted mark sheet where no date of issuance is mentioned or issuing date of

mark sheet is after cut-off date, he/she should bring the certificate from concerned issuing authority that the candidates certificate may be read as issued on a date and also date of notification/declaration of result be mentioned in the certificate. Candidates shall bring his/her individual certificate from issuing authority clarifying that he/she passed the required qualification before cut-off date. Candidates can submit the certificate till last date of interview without which they shall be considered ineligible."

17. That on the basis of written examination and scrutiny of documents for the post in question the candidates (eligible and provisionally eligible) equal to three times the number of vacancies in each category were called for interview from 14.03.2021 to 18.03.2021 vide notice dated 10.03.2021. The petitioner was also called for interview.

18. That during the interview process from 14.03.2021 to 18.03.2021, number of candidates including the petitioner was found ineligible who were provisionally called for interview along with documents to remove their objections, still number of candidates along with the petitioner in present writ petition could not prove that they were fulfilling the required educational qualification on the cut-off date for post in question. The details of petitioner are as under:-

Sr. No.	Name	Roll No.	Reason for Non-Eligibility
1.	Pankaj Kumar	2660003111	Not Eligible- Petitioner has produced Diploma wherein it is written that petitioner passed Diploma Certificate on 02.11.2006 whereas cut-off date of advt. was 21.08.2006.

It is also pertinent to mention here that the petitioner do not fall under selection zone due to having diploma after cutoff date as per terms and conditions of advertisement.

4.1 Learned State counsel has further submitted that the respondents cannot consider any candidate for appointment beyond the advertised posts at this stage in view of the directions issued by the Supreme Court, dated 03.07.2023, in Review Petition No.154 of 2022, filed in SLP(c) No.8670 of 2022 titled *Devender Bhaskar and others v. State of Haryana and others*. In terms of the order, the candidates having Diploma in Arts and Craft from the Kurukshetra University were considered eligible for the post in question. The said directions have been reproduced in the impugned order and read as under:

"The above communication manifests that the Government of Haryana is now ready to accommodate and appoint candidates with Diplomas in Art & Craft from Kurukshetra University, who were found meritorious and were included in the selection list dated 14.11.2021, without adversely affecting the 178 candidates who were conditionally appointed pursuant to the directions of the Punjab & Haryana High Court. As it is no longer in issue that the Diplomas in Art & Craft secured from Kurukshetra University by the 667 candidates in the selection list dated 14.11.2021 stand on par with the Diploma in Art & Craft from Haryana Industrial Training Department, there would be no hindrance to their being considered for appointment and this Court is not required to venture into the equivalence of these qualifications. However, such appointments would now have to be made against the 663 notified vacant posts that would be available, as the 178 appointees are being treated as distinct and separate. These 178 appointees would have to be excluded from the

count of the notified posts under Advertisement No. 6/2006 as they were converted as Art & Craft Teachers (Diminishing Cadre). Appointments to be made pursuant to this judgment would have to be limited to the vacant posts notified under Advertisement No.6/2006 and cannot be extended to later vacancies which have arisen thereafter. Further, the appointing authority would have to strictly go by the merit ranking in the selection list dated 14.11.2021 while making appointments to these available notified vacancies without disturbing the appointments already made or the seniority of such appointees, irrespective of whether or not such appointees found mention in the selection list dated 14.11.2021 and if they did, their merit ranking therein. This is because the review petitioners and others identically situated are now being accommodated and appointed, despite the long lapse of time since the inception of this recruitment process, and more particularly, as those who were appointed have already put in significant length of regular service prior to the belated entry of the new appointees into regular service at this stage. The entire exercise pursuant to this judgment shall be completed by the authorities concerned expeditiously and, in any event, not later than two months from the date of receipt of a copy of this judgment."

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

6. As apparent on record, the petitioner applied for the post of Arts and Craft Teacher, and cleared the selection process as BCA category candidate. He secured 136 marks as against 127 by the last selected candidate in the category. The only ground on which he could not be recommended for appointment was that his certificate of Diploma in Arts and Craft had been issued on 02.11.2006, i.e., after the closing

date/21.08.2006. This conclusion by the Commission is based upon the Diploma certificate submitted by the petitioner during document verification, which shows his improved marks. During the course of hearing, the original application form submitted by the petitioner along with his scrutiny form, were produced. Photocopies of these two forms have been retained on the case file as Annexures 'A' and 'B' respectively. The diploma certificate dated 14.08.2006 is one of the enclosures to the application form dated 19.08.2006, which has been filled by the petitioner clearly mentioning the qualification of Diploma in Arts and Craft passed in August, 2006, by obtaining 1181 out of 2000 marks in second division from the Kurukshetra University. This falsifies the stand taken by the Commission that he was not eligible for the post in question for want of a Diploma certificate issued prior to the closing date. To justify the rejection, the Commission has referred to a large number of candidates who were provisionally considered for selection accepting their claim that degrees and diplomas were cleared by them before the closing date, though DMCs had been issued later in time. Such candidates were given a chance to prove their eligibility till the time of interview vide public notices dated 10.03.2021 and 16.03.2021. Many of those, including the petitioner, were found ineligible at the time of interview on failure to establish that they fulfilled the requisite qualification before the closing date. The reasoning is fallacious as the petitioner was not ineligible at any stage; he had been issued the Diploma certificate dated 14.08.2006 before the closing date, which had been appended to the application form as well. Therefore, there was no requirement for the Commission to ask him to establish eligibility along with those candidates who had been provisionally

interviewed for the reasons already mentioned. The petitioner's valid Diploma certificate was in the Commission's possession as established from the original application form perused by the Court. Merely because he submitted a fresh certificate dated 02.11.2006 to show improvement in marks, it could not be a ground to ignore the certificate earlier submitted by him to establish qualification and eligibility. *De hors* the improvement in marks, the petitioner remained eligible for the post on the basis of earlier certificate dated 14.08.2006. The fresh certificate by its very nature was in continuity of the earlier one, and could not have been taken to mean that the Diploma had been awarded to him for the first time on 02.11.2006. Still the Commission ignored the earlier certificate altogether, to the extent even refused to acknowledge its being part of the record, and decided the petitioner's eligibility solely on the basis of date of issuing the fresh certificate. This is arbitrary, irrational and whimsical. It shows the petitioner's candidature has been rejected on baseless grounds in a callous manner. This negligence on the Commission's part is inexplicable and shocking. It has seriously prejudiced the petitioner's rights and deprived him of selection and the consequent appointment. Also, he has been forced into this uncalled for litigation leading to further harassment and monetary loss.

7. The Commission's attempt to deny appointment to the petitioner by referring to the directions issued by the Supreme Court while deciding review petition in *Devender Bhaskar* case (*supra*), is misconceived and only compounds its problems. The Court has observed that 178 candidates appointed prior to decision of the Review petition are to be treated separate and excluded from the posts notified vide the advertisement

in question. And the appointments will have to be limited to the notified posts, to be made strictly as per merit ranking in selection list dated 14.11.2021. The petitioner would, undisputedly, find a place therein on merit as he secured 136 marks as against 127 by the last selected candidate in BC-A category. It is not the respondents' case that a post is not vacant.

8. In view of the discussion, the petition is allowed. The Commission is directed to consider the petitioner eligible for the post in question on the strength of his Diploma in Arts and Craft, dated 14.08.2006, and recommend him for appointment to the Government. The appointment will be offered to the petitioner, subject to his fulfilling the requisite conditions, from the date other selected candidates pursuant to the advertisement have been appointed, with all consequential benefits including salary. He is also entitled to costs of the petition which are quantified as ₹2,00,000; the amount will be paid by the Commission. These directions shall be carried out by the respondents within four weeks of receiving a certified copy of the judgment.

February 06, 2026

Jaspreet Kaur

(TRIBHUVAN DAHIYA)

JUDGE

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*