

2026:PHHC:067649



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

**CWP-17459-2024 (O&M)
DECIDED ON: 01.05.2026**

BIKRAM SINGH

.....PETITIONER(S)

VERSUS

HSSC

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mohan Singla, Advocate and
Mr. Yashpal Kumar, Advocate
for the petitioner(s)

Mr. Rahul Dev Singh, Addl. AG Haryana

SANDEEP MOUDGIL, J (ORAL)

CM-14120-CWP-2025

Application is allowed, as prayed for.

Annexure P-10 is taken on record subject to all just exceptions.

CWP-17459-2024

The present writ petition has been filed under Article 226 of the Constitution of India for issuance of direction to the respondents to consider the application form of the petitioner under dependant of Disabled Ex-Service Man in SC category (DDESM-SC) wherein the petitioner could not upload all pages of the eligibility certificate due to inadvertent mistake, by allowing him to submit the complete copy of the eligibility certificate for his selection and appointment after due selection process.

The petitioner applied pursuant to the advertisement no. 04/2024 dated 28.06.2024 issued by the Haryana Staff Selection Commission for various posts, being duly qualified through CET 2022 and belonging to the SC category as a Dependant of Disabled Ex-Serviceman (DDESM), supported by a valid eligibility certificate issued by the District Sainik Board, Ambala. However, owing to the limited 10-day application window and technical constraints at a cyber café due to heavy rush, the petitioner inadvertently uploaded an incomplete eligibility certificate, though all other details and category claims were correctly filled.

Upon discovering the error on 15.07.2024, the petitioner promptly approached the authorities on multiple occasions seeking permission to submit the complete certificate. However, no opportunity for correction was granted despite the absence of any substantive fault. Furthermore, there was no online correction mechanism available. As a result, the petitioner facing the risk of rejection of his candidature and denial of rightful reservation benefits under the applicable Haryana Government policies and knowing that the selection process is still at an initial stage and no prejudice would be caused to other candidates, has sought judicial intervention in light of settled law, including the judgment in LPA 320 of 2019 titled as “*Haryana Staff Selection Commission vs. Sarla & Ors.*” decided on 22.02.2019.

Learned counsel for the petitioner submits that the petitioner, though fully eligible under the DDESM-SC category, inadvertently uploaded an incomplete eligibility certificate due to the short application window and technical constraints, without any intent to misrepresent. Despite promptly approaching the Haryana Staff Selection Commission for correction, no opportunity was granted, which is arbitrary and violative of the principles of natural justice. It is urged that the selection process is at an initial stage and no prejudice would be caused to

others, while submitting that the denial of such an opportunity would result in irreparable loss by depriving the petitioner of his rightful reservation benefits, rendering such rejection unsustainable in law.

It is noted that this court vide order dated 26.07.2024 ordered the respondent to consider the candidature of the petitioner provisionally.

The Written Statement dated 10.03.2026 has been filed on behalf of Mr. Rajiv Sindhu, Under Secretary, HSC. It has been averred therein that though the mistake committed by the petitioner in the application has been admitted in paragraph 11 of the writ petition itself attributing it to the cyber café operator, but what cannot be overlooked is that Clause 10.2 of the Advertisement provided that no changes/amendment will be allowed after the closing date of applications under any circumstance. It is further submitted that, as per the result declared and produced before this Court in a sealed cover, the petitioner has secured 50.7 marks and has been selected for the post of Secretary, Municipal Council (Post No. 345).

Heard.

Analysis

This court is of the opinion that the case of the petitioner is covered by the judgment dated 12.08.2025 passed in CWP-18380-2024 titled *Hitesh vs. State of Haryana & Ors.*, and it would be apt to reproduce the observations made therein, which are as follows:

“From the perusal of record, it is evident that petitioner belongs to DESM Category. He was issued DESM certificate on 15.01.2021. The said certificate was valid till 14.01.2022. He got it renewed from time to time. The competent authority every year renewed his certificate. He was having renewed certificate on the date of filing application. The renewal was on the backside of the original certificate. He uploaded front page while filing application for CET. He did not upload backside of the certificate. He duly ticked column

meant for his Category, meaning thereby, he duly lodged his claim for reservation under DESM Category in the application form. The mistake, if any, on his part was that he did not upload backside of the certificate. It is undisputed that the certificate was renewed prior to filing application form and it was valid at that time. It was also produced at the time of scrutiny of the documents.

The petitioner in the application form categorically claimed that he belongs to DESM Category. The Recruitment Board declared his result under said Category. The respondent is denying him benefit on the sole ground that he did not comply with Clause 6.2 of the advertisement. The said clause reads as:-

“6.2 The short listing of candidates shall be done on the basis of particulars filled in online application form for which supporting documents shall be uploaded. As candidates can update their particulars till closing date, thereafter, no change of particular at any stage shall be entertained. In absence of documentary evidence or mismatch in claimed category and uploaded documents, candidature of candidate shall be considered under General category/Parent category, subject to his/her fulfilling eligibility in General category/Parent category.”

From the perusal of above quoted clause, it is evident that the applicant was required to disclose his category in the online application form as well as upload supporting documents. In the absence of documentary evidence or mismatch in claimed category and uploaded documents, candidature was to be considered under General Category.

The petitioner undisputedly belongs to DESM Category. He filed application form in his category and also uploaded requisite certificate, though, did not upload backside of the certificate. In the scrutiny of documents, the certificate produced matched with the uploaded certificate. The said error, if any, was a curable error. Substantive benefit of reservation could not be denied for such minor

procedural infirmity. There was substantive compliance by way of filing application in correct category as well as uploading certificate.

The respondent during the course of hearing further relied upon Clause 6.9, 10.14 and 12 of the advertisement. The said clauses are reproduced below:-

“6.9 Family Members of Disabled ESM/ESM candidates of Haryana claiming benefit must have valid eligibility certificate on last date of submission of online application form which is to be uploaded at the time of submitted the application and shall produce the valid Eligibility Certificate from the concerned Zila Sainik Board if called upon to do so by Haryana Staff Selection Commission.

xxx

xxxxxx

xxx

10. Documents to be uploaded with Application Form
(MANDATORY)

10.1 to 10.13 xxxx

xxx

xxx

10.14 Eligibility certificate for family members of
ESM.

$$xxx$$

xxxx

xxxx

xxxx

12. Scrutiny of Documents

Only those documents which are uploaded by the candidates while filling up the application form shall be considered for the purpose of scrutiny. In case of any variation in the document uploaded and produced at any subsequent stage, the candidature of such candidate shall be cancelled/rejected. If any application is found without uploading requisite supporting documents and other relevant information, the candidate himself/herself shall be responsible for the same and his/her candidature would be liable to be cancelled/rejected.”

From the perusal of above clauses, it is evident that during scrutiny, the Recruitment Board is supposed to look into documents which are uploaded along with application form. Any document which is not uploaded with the application cannot be relied upon. Object of those clauses is to deny benefit of reservation or additional marks to those candidates who have not actually claimed in the application form or failed to upload supporting documents. Another object is to ensure that applicant is actually possessing documents which is foundation of claim.

In the instant case, the petitioner has duly complied with the terms and conditions of the advertisement. He expressed his intention to claim benefit by filing application under DESM Category. There are many cases where candidates at the first instant file application under General Category and at the later stage claim benefit of reservation. In those cases, it can be concluded that the candidate is not entitled to the benefit of reservation. The petitioner herein duly disclosed his category in the application form. He also uploaded certificate issued by competent authority. The said certificate was duly produced before the Recruitment Board. There is substantive compliance on the part of the petitioner and he cannot be denied benefit of reservation on the ground of minor curable procedural infirmity.

There is another aspect of the matter. The petitioner by interim order was permitted to participate under DESM Category. The HSSC recommended his name and competent authority issued him appointment letter. He has resigned from Indian Army. If he is denied opportunity to serve with State Police, it would be injustice with him because it would deprive him from the post of Constable with State Police as well as Clerk with Indian Army.

In the wake of above discussion and findings, this Court is of the considered opinion that petitioner deserves to be considered under DESM Category. He has rightly been issued appointment letter and there is no occasion to deny him post of Constable.

Let the petitioner be permitted to join within a period of three weeks from today.”

Be that as it may, having regard to the fact that, even as of today, candidates, particularly at the grassroots level, remain substantially dependent upon cyber café operators for filling up online application forms, including the uploading of signatures and documents pursuant to recruitment advertisements issued by public authorities, owing to the lack of adequate infrastructure, digital accessibility, and the prevailing ground realities of our country, such an error on the part of the petitioner deserves to be treated as inadvertent and bona fide.

The Court cannot also remain unmindful of the stark digital divide which continues to persist despite the increasing migration of public processes to online platforms. India may be steadily advancing towards digitisation, yet a vast section of its population still struggles with limited access to technology, unstable connectivity, inadequate digital literacy, and dependence upon intermediaries for availing even basic online services. To permit such procedural lapses, arising not out of deceit but from systemic disadvantage, to extinguish an otherwise legitimate claim to compete for public employment, would amount to allowing inequality of resources to defeat equality of opportunity. Therefore, the Court is firmly of the view that procedures are intended to facilitate justice and fair participation, and cannot be applied with such rigid technicality as would shut the doors of opportunity.

Furthermore, the correction sought pertains only to the category of the petitioner, i.e., Dependant of Disabled Ex-Serviceman in the Scheduled Caste category (DDESM-SC). The benefit of the said category is being denied merely on account of non-uploading of all pages of the eligibility certificate. However, the fact remains that the petitioner indeed belongs to the said category, which has not

been disputed by the State either in its written statement or during the course of hearing.

Conclusion

In view of the aforesaid facts and circumstances, this court finds the petitioner entitled to the relief claimed herein. The respondents are directed to permit the petitioner to submit/upload the complete eligibility certificate under the DDESM-SC category and since the petitioner has already been selected for the post of Secretary, Municipal Council (Post No. 345), his appointment shall not be denied on the ground of the aforesaid technical defect. Necessary consequential benefits shall also be extended to him, if otherwise found eligible.

Therefore, the present petition is allowed in the aforesaid terms.

Pending applications, if any shall be disposed off.

01.05.2026
Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No