

CWP-27440-2022

2026.PHHC.068364



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

102+206

CWP-27440-2022 (O&M)
Date of Decision: 01.05.2026

Pankaj Kumar

.....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Piyush Khanna, Addl. AG, Haryana.

HARPREET SINGH BRAR, J. (Oral)

CM-15838-CWP-2025

The present application has been filed under Section 151 of CPC for placing on record copy of notification dated 21.07.1995 and the judgment dated 03.09.1994 (Annexures A-1 and A-2).

In view of the grounds mentioned in the application, the same is allowed, Annexures A-1 and A-2 are ordered to be taken on record.

Registry is directed to place the same at an appropriate place.

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**MAIN**

1. The petitioner has approached this Court by way of the present writ petition under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of *certiorari* for quashing the action of respondent No.2 in illegally and arbitrarily rejecting the candidature of the petitioner on the ground that he possessed experience certificates as Accounts Clerk and Accountant, which has been wrongly construed against him. The petitioner further seeks quashing of the impugned final result dated 09.11.2022 (Annexure P-9) and the detailed result dated 11.11.2022 (Annexure P-10), and consequently the appointment of respondent No.3 to the post of Section Officer in Seed Development Corporation, Haryana, being illegal, arbitrary, and violative of Articles 14 and 16 of the Constitution of India, particularly when the petitioner has been ignored despite higher merit pursuant to the advertisement (Annexure P-1). It is further prayed that a writ in the nature of *mandamus* be issued directing the respondent-Commission to consider and appoint the petitioner to the post of Section Officer, as the petitioner has secured more marks than the last selected candidate reflected in the final result (Annexure P-9). Lastly, it is prayed that during the pendency of the present writ petition, the respondents No.1 and 2 be directed either to stay the joining of the selected candidates pursuant to the impugned final result (Annexure P-9) or, in the alternative, to keep one post vacant/reserved for the petitioner, in the interest of justice.

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2. Learned counsel for the petitioner submits that the petitioner had applied for the post of Section Officer pursuant to the advertisement (Annexure P-1). It is contended that the criteria and essential qualifications, as reflected at page 38 of the paper book, clearly stipulate that a candidate must be a Commerce Graduate with Advanced Accountancy and Auditing, along with three years' experience as an Accounts Assistant, and must have studied Hindi/Sanskrit as one of the subjects at the matriculation level or higher.

2.1 It is further submitted that the petitioner was fully eligible in all respects and duly participated in the selection process. However, the petitioner has been declared ineligible on the erroneous ground that his experience was that of an Accounts Clerk, which is stated to be a post lower than that of Accounts Assistant as required under the prescribed criteria. Learned counsel contends that while doing so, the respondents have completely ignored the petitioner's experience as an Accountant for a period exceeding three years.

2.2 In support of the aforesaid submission, learned counsel places reliance upon the experience certificate dated 07.12.2021 (Annexure P-6), issued by the office of the Civil Surgeon, Fatehabad under the National Health Mission, which clearly demonstrates that the petitioner worked as an Accountant with effect from 26.03.2018 to 07.12.2021, i.e., for a period of

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more than three years and eight months, thereby fulfilling and, in fact, exceeding the experience requirement prescribed in the advertisement.

2.3 Learned counsel further refers to the detailed result (Annexure P-10) for the post of Section Officer and submits that a perusal thereof reveals that candidates bearing Roll Nos. 1926010048 and 1926010066, who allegedly did not possess the requisite experience, have nonetheless been declared eligible. This, it is argued, clearly demonstrates arbitrary and discriminatory action on the part of the respondents, in violation of Articles 14 and 16 of the Constitution of India.

3. *Per contra*, learned State counsel, while opposing the present writ petition, has drawn the attention of this Court to Annexure R-2/1 to contend that, as per the applicable statutory Rules governing the post of Section Officer, the essential qualification mandates that a candidate must possess a minimum of three years' experience specifically as an Accounts Assistant/Sales Tax Assistant.

3.1 It is further submitted, with reference to the reply filed on behalf of respondent No.2, particularly para 7 thereof, that at the time of scrutiny and verification of documents, the experience certificates furnished by the petitioner were duly examined in light of the conditions stipulated in the advertisement. Upon such scrutiny, it was found that the experience claimed by the petitioner was primarily in the capacity of an Accounts

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Clerk, which is neither equivalent to nor interchangeable with the post of Accounts Assistant as required under the Rules and the advertisement.

3.2 Learned State counsel further contends that the post of Accounts Clerk is a lower and distinct cadre as compared to that of Accounts Assistant, and therefore, the experience gained on the said post cannot be treated as fulfilling the prescribed eligibility criteria. It is also submitted that, insofar as the petitioner's experience as an Accountant is concerned, the same was found to be only about two years at the time of document verification, which falls short of the mandatory requirement of three years' relevant experience.

3.3 On the strength of the aforesaid submissions, it is argued that the action of the respondents in declaring the petitioner ineligible is strictly in accordance with the applicable Rules and the terms of the advertisement, and does not suffer from any illegality or arbitrariness warranting interference by this Hon'ble Court in exercise of its writ jurisdiction.

4. I have heard learned counsel for the parties at length and have perused the record of the case with their able assistance. It transpires that the petitioner had participated in the selection process for the post of Section Officer in Haryana Seed Development Corporation under Category No. 26 pursuant to advertisement (Annexure P-1). The criteria and essential qualifications prescribed for the said post, as stipulated in the advertisement, read as under:-

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“Essential qualification:-

- i) Commerce Graduate with advanced Accountancy and Auditing*
- ii) 3 years experience as Accounts Assistant.*
- iii) Hindi/Sanskrit as one of the subject in Matriculation or higher.”*

4.1 Further, the date of publication of the advertisement (Annexure P-1) issued by respondent No.2, along with the relevant timelines and important events pertaining to the selection process, is reproduced as under:-

<i>Item(s)</i>	<i>Timeline</i>
<i>Date of publication</i>	<i>12.02.2020</i>
<i>Opening date for submission of online applications</i>	<i>03.03.2020</i>
<i>Closing date for submission of online application</i>	<i>24.03.2020</i>
<i>Closing date for deposit of fee</i>	<i>27.03.2020</i>

4.2 Further, as per the advertisement (Annexure P-1), the details of the documents which were mandatory in nature and required to be uploaded along with the online application form are reproduced as under:-

“3.1 Documents to be uploaded with Application Form (MANDATORY)

- 1. Scanned Copy of Essential Academic Qualifications and Matriculation Certificate showing Date of Birth and other relevant details.*
- 2. Scanned Copy of SC/BCA /BCB /EWS /ESP /ESM /DESM /DFF /PWD (Person with Disabilities) certificate alongwith Haryana domicile Certificate issued by competent authority.*
- 3. Scanned copy of Certificate claiming weightage/marks under*

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socio-economic criteria and experience alongwith Haryana domicile Certificate issued by competent authority.

4. Scanned Photo duly signed by the Candidate.

5. Scanned signatures of the Candidate.

6. Scanned copy of all documents showing higher qualification, experience etc. on which basis candidate claim marks.

3.2 Scrutiny of Documents:

Only those document 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. If any application is found without uploading requisite supporting documents and other relevant information, the candidate himself/herself shall be responsible for that and his/her candidature would be liable to be cancelled due to lack of proper or correct documents/information.”

5. Admittedly, the last date for submission of online applications was 24.03.2020. A perusal of the experience certificate (Annexure P-6) reveals that the petitioner claims experience as an Accountant w.e.f. 26.03.2018. Thus, as on the cut-off date i.e. 24.03.2020, the petitioner had not completed the requisite period of three years' experience.

5.1 This Court finds that the terms and conditions of the advertisement (Annexure P-1), particularly with regard to essential qualifications and experience, are required to be strictly adhered to and

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cannot be relaxed unless specifically provided for. The eligibility of a candidate is to be determined with reference to the cut-off date prescribed in the advertisement. In the present case, the petitioner admittedly falls short of the mandatory requirement of three years' experience as on the relevant date.

5.2 The contention raised by learned counsel for the petitioner that his experience as an Accounts Clerk ought to have been considered equivalent to that of an Accounts Assistant cannot be accepted in the absence of any material on record to demonstrate equivalence between the two posts under the applicable Rules. It is settled law that where the Rules prescribe a specific nature of experience, the same must be strictly complied with, and the Court, in exercise of its writ jurisdiction, cannot substitute or expand the prescribed qualifications.

5.3 Further, the argument that certain other candidates, who allegedly did not possess the requisite experience, have been selected, also does not advance the case of the petitioner. Even assuming any irregularity in the case of other candidates, the same would not confer any enforceable right upon the petitioner to seek parity on the basis of a negative equality, which is impermissible in law under Article 14 of the Constitution of India.

5.4 Be that as it may, it is also pertinent to note that the advertisement itself clearly stipulates, under Clause 3.2, that only those documents which are uploaded by the candidates shall be considered and

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that any deficiency or discrepancy would render the candidature liable to cancellation. The petitioner, therefore, was required to satisfy the eligibility conditions strictly in terms of the advertisement as on the cut-off date, which he has failed to do.

6. In view of the foregoing discussion and having regard to the facts and circumstances of the case, this Court is of the considered opinion that the action of the respondents in declaring the petitioner ineligible does not suffer from any illegality, arbitrariness, or perversity warranting interference by this Court under Articles 226/227 of the Constitution of India.

7. Accordingly, finding no merit in the present writ petition, the same is hereby dismissed.

8. Pending miscellaneous application(s), if any, shall also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

01.05.2026
Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No