



LPA-2020-2019 (O&M)

1

208

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

**LPA-2020-2019 (O&M)
Date of decision: 11.03.2026**

HARYANA STAFF SELECTION COMMISSION

....Appellant

Versus

NEELAM AND ANOTHER

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Saurabh Mohunta, DAG, Haryana
for the appellant.

Mr. Sumit Sangwan, Advocate
for respondent No.1.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal is filed by the Haryana Staff Selection Commission challenging the judgment dated 30.08.2019 passed by the learned Single Judge whereby the writ petition filed by respondent-petitioner has been allowed. The learned Single Judge has issued a direction to the appellant to recommend the case of respondent-petitioner for appointment relying upon certificate of ESM (Dependent) General Category dated 17.09.2018.

2. The primary reason relied upon by the learned Single Judge to issue such direction is that the requisite certificate was produced prior to the date of interview.

3. The advertisement pursuant to which respondent-petitioner had applied, is contained in Annexure P-2, as per which Advertisement No.5/2015 was published on 05.07.2015. Closing date for submission of online application



LPA-2020-2019 (O&M)

2

was 21.09.2015. The advertisement categorically provided as under:-

“.....Qualifications/eligibility conditions, age and other documents (except HTET) will be determined with regard to last date fixed to apply online applications also called as closing date i.e. 21st September 2015 given in the advertisement.”

4. Though respondent-petitioner applied against the advertisement, but till such time when the application was submitted, there was no certificate of dependent of Ex-servicemen issued to the respondent-petitioner. Such certificate, for the first time, has been issued on 17.09.2018.

5. The short question which arises for consideration in this appeal is as to whether a certificate obtained much after the last date fixed for filing of application determining the category of the respondent-petitioner could have been relied upon in terms of the advertisement or could have been taken note of, for evaluating the candidature of the respondent-petitioner.

6. The advertisement categorically provided that the qualifications/eligibility conditions and other documents were to be determined with regard to last date fixed for moving of online applications, also called as closing date, i.e. 21.09.2015. In the application, the respondent-petitioner had not been able to place on record the ESM (Dependent) certificate. In fact, such certificate was not in existence at that time, and has been issued for the first time on 17.09.2018.

7. Relying upon the judgments operating in the field, this Court in ***LPA-1397-2025 titled as ‘Haryana Public Service Commission vs. Pardeep Kumar and others’***, decided on 03.11.2025, has categorically observed that the stipulations made in the advertisement, fixing the cut off date by when applications are to be made and conditions of eligibility to be established, are

sacrosanct. A candidate who does not furnish requisite documents in support of his/her claim of eligibility to fall in a particular category cannot be subsequently resurrected when the advertisement did not permit so.

8. Learned counsel for the respondent-petitioner submits that this was not a case in which the Rules had prescribed any cut off date.

9. The fact that statutory Rules have not specified the cut off date would not be of much relevance, when the advertisement in specific terms provided the eligibility to be viewed with reference to documents submitted by the last date fixed. Even otherwise, the legislative and executive powers of the State are coextensive, and the policy documents/ executive instructions/ advertisement laying down in specific terms the cut off date would have to be respected. It is not on the sweet will of the candidate to subsequently obtain a certificate and claim entitlement of a particular category by producing evidence in the form of certificate only at the time of interview.

10. In that view of the matter, we cannot approve of the view taken by the learned Single Judge to allow the writ petition. Present appeal succeeds and is allowed accordingly. The judgment and order dated 30.08.2019 passed by the learned Single Judge is set aside.

11. Pending applications, if any, shall stand disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

MARCH 11, 2026

mohit goyal

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No