

(2011) 08 P&H CK 0192

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 14933 of 2011

Raj Kumar

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision: Aug. 17, 2011

Hon'ble Judges: Ranjit Singh, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Ranjit Singh, J.

The Haryana Public Service Commission advertised 475 posts of Lecturers (College Cadre) including 33 posts of Lecturers in Geography in October, 2009. The candidates could submit their applications upto 27.11.2009. In January, 2010, a corrigendum was issued increasing the posts from 475 to 497. Last date of submission of applications was extended to 23.2.2010. As per the advertisement read with the corrigendum, only those candidates were eligible who had passed Postgraduation with 55% marks and good academic record and had qualification in NET/SLET. The condition for passing the NET/SLET was exempted in case of those candidates, who had passed the Ph.D. on or before 31.5.2009.

2. The petitioner is one such candidate, who is Postgraduate with 63% marks. Since he was not NET/SLET qualified and had also not passed Ph.D. on or before 31.5.2009, so the petitioner did not submit his application being ineligible.

3. On 25.7.2011, an announcement was made and published to the effect that those who had registered for Ph.D. on or before 31.5.2009 will also be considered eligible. The effect of such notice is that all those candidates who were not eligible as per the advertisement and the corrigendum have now been made eligible on account of this announcement, if they have registered for Ph.D. on or before 31.5.2009.

4. The petitioner has now passed Ph.D. prior to the date of interview, but had not applied for the post. As per the petitioner, he was unable to apply for the post being

not eligible. The petitioner has, thus, filed this writ petition to make a grievance that either persons, like the petitioner, who did not make any application earlier because of not being eligible should now be permitted to submit their applications and be considered eligible or all those who were not eligible and had submitted applications should not be allowed this concession on the basis of this announcement.

5. I am not impressed with the submissions made by the counsel for the petitioner to seek direction for making the application as prayed on becoming eligible now. The cases of the persons, who had submitted their applications in time and are being called for consideration for selection cannot be compared with those who had never made any application. It may be that they had not applied on the ground that they considered themselves not eligible. It is fortuitous circumstance that a particular person took chance in submitting an application and now is being considered for selection. If the permission is now granted to the persons like the petitioner to make an application, it will violate the sanctity of cut off date. It has consistently been viewed by the Courts that prescribing a particular date as last date for filing application, the eligibility of the candidate shall have to be judged with reference to that date and that date alone. A person who acquires prescribed qualification subsequent to such prescribed date can not be considered. An advertisement or notification issued/published calling for application constitutes a representation to the public and authority issuing it is bound by such representation. See Ashok Kumar Sharma and Others Vs. Chander Shekhar and Another . Even in Ashok Kumar Sonkar Vs. Union of India and others, 2007 (2) RSJ 288, the Hon"ble Supreme Court has viewed that person not having requisite qualification as on the last date of filing application, which was the cut off date, would not be eligible. If the prayer made in the petition is allowed, then the petitioner would get advantage of becoming eligible whereas the person similarly situated and who had not submitted the application by the cut off date, would be deprived of such a benefit. The cases of persons, who are being considered eligible, are those who had submitted their applications before the cut off date and, thus, their case would be entirely different. In fact, the very announcement, copy of which has been placed on record as Annexure P-4, would make this amply clear that this announcement was for information of those candidates, who had applied for the post of Lecturers for various subjects in response to advertisement issued on 20.10.2009 and corrigendum published on 22.12.2009 and 29.1.2010. As per the advertisement and the corrigendum, condition of passing National Eligibility Test (NET) was to remain compulsory requirement, but those who acquired Ph.D upto 31.5.2009 were granted exemption from the requirement of minimum eligibility condition of NET and SLET. When the number of posts were increased through corrigendum, then those who had not applied earlier got additional opportunity to submit their application forms and any person becoming eligible for applying by the extended date, could do so because of this corrigendum. The only difference, which

the announcement made, was that the condition of passing the Ph.D. degree on or before 31.5.2009 to become eligible for exemption of NET/SLET was that those who were enrolled for Ph.D on or before the said date i.e. 31.5.2009, were to be considered eligible.

6. It appears that the announcement of exempting NET/SLET for those who had qualified in Ph.D. has been made on the basis of relaxation so granted by the University Grant Commission. Subsequently, this relaxation was extended to those who got registered for the Ph.D. till 31.5.2009 and on that basis the Public Service Commission apparently has made this announcement. The condition of passing Ph.D. is co-related to the date of registration for this course, which may be 31.5.2009, which is also one of the conditions as per the announcement. I do not see any merit in this submission made and would dismiss the writ petition in limine.