



113

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

**CWP-23250-2025 (O&M)  
DECIDED ON: 28.08.2025**

**DEVENDER KUMAR****.....PETITIONER(S)****VERSUS****STATE OF HARYANA AND ANR****.....RESPONDENT(S)****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Shalender Mohan, Advocate for the petitioner(s).

**\*\*\*\*****SANDEEP MOUDGIL, J (ORAL)**

This Civil Writ Petition under Articles 226/227 of the Constitution of India praying for issuance of an appropriate Writ, Order or direction, especially in the nature of Mandamus directing the respondent no. 3 to consider the petitioner for Group-C post in advt. no. 04/2024 in BC-A category for Junior Engineer (Civil) as 200 posts are still lying vacant.

The brief facts necessary for adjudication of the present petition are that the petitioner is a resident of Haryana and possesses a B.Tech. in Civil Engineering from Maharishi Dayanand University, Rohtak. He appeared in the Common Eligibility Test (CET) held on 05.11.2022 and 06.11.2022 under BC-A category and secured 56.79 marks, which made him eligible under the reserved category.

Subsequently, pursuant to Advertisement No. 3/2023, the petitioner applied for various Group-C posts and was shortlisted for CET Stage-II. However, due to the income of his family being above the prescribed limit of ₹6 lakhs for

BC-A (Non-Creamy Layer), he failed to produce a valid certificate at the relevant time. Accordingly, he applied under the General category in Advertisement No. 4/2024. Thereafter, on obtaining a Non-Creamy Layer certificate dated 20.07.2024 in light of the revised notification dated 16.07.2024, the petitioner submitted representations and email requests dated 01.08.2024 seeking correction of his category from General to BC-A.

Learned Counsel for the petitioner contends that despite making timely representations and fulfilling all eligibility conditions, no response was received from the respondents, and he was not shortlisted for CET Stage-II. The final result was declared on 17.10.2024, and according to the petitioner, 200 posts of Junior Engineer (Civil) remain vacant. The petitioner also places reliance on the judgment dated 05.02.2025 in **CWP No. 17852 of 2024 ‘Naveen and others vs. State of Haryana and others,’**, decided on 05.02.2025, to contend that a similar relief was granted therein. However, in the subsequent order dated 12.03.2025 passed in the connected CM, the benefit of the judgment was expressly confined only to candidates who had appeared in the final written test.

It is further submitted that the grievance of the petitioner is that due to the respondents' inaction in processing his request for category correction, and despite the availability of vacant posts, he has been unjustly excluded for further consideration.

Having heard learned counsel for the petitioner and perused the record, we are unable to find any merit in the present writ petition.

Admittedly, the petitioner, at the time of applying under Advertisement No. 4/2024, did so under the General category. It is not denied that he did not possess a valid BC-A Non-Creamy Layer certificate as on the date of

application, which was 08.07.2024. The said certificate was only obtained on 20.07.2024 after the last date for submission of applications.

The law is well-settled that eligibility must be assessed as on the cut-off date. The Supreme Court in “***Bedanga Talukdar v. Saifudaullah Khan, (2011) 12 SCC 85***” has consistently held that subsequent acquisition of eligibility cannot relate back to the cut-off date.

*28. We have considered the entire matter in detail. In our opinion, it is too well settled to need any further reiteration that all appointments to public office have to be made in conformity with Article 14 of the Constitution of India. In other words, there must be no arbitrariness resulting from any undue favour being shown to any candidate. Therefore, the selection process has to be conducted strictly in accordance with the stipulated selection procedure. Consequently, when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained. There can not be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved. Such a power could be reserved in the relevant Statutory Rules. Even if power of relaxation is provided in the rules, it must still be mentioned in the advertisement. In the absence of such power in the Rules, it could still be provided in the advertisement. However, the power of relaxation, if exercised has to be given due publicity. This would be necessary to ensure that those candidates who become eligible due to the relaxation, are afforded an equal opportunity to apply and compete. Relaxation of any condition in advertisement without due publication would be contrary to the mandate of quality contained in Articles 14 and 16 of the Constitution of India.*

*29. A perusal of the advertisement in this case will clearly show that there was no power of relaxation. In our opinion, the High Court committed an error in directing that the condition with regard to the submission of the disability certificate either along with the application form or before appearing in the preliminary examination could be relaxed in the case of respondent No. 1. Such a course would not be permissible as it would violate the mandate of Articles 14 and 16 of the Constitution of India.*

A Full Bench of this Court in “***Indu Gupta v. Director, Sports Punjab, Chandigarh & Anr. AIR 1999 P&H 319***”, considered whether it is obligatory on the part of the applicant to annex the requisite certificate along with the application form prior to the last date of its submission. The Full Bench

observed that the advertisement/brochure has the force of law and that strict adherence to its terms and conditions is of paramount consideration and terms and conditions including the cut off date cannot be relaxed unless such power is specifically provided to a given authority by use of unambiguous language. The Full Bench further held as under:-

*"14. The terms and conditions of the brochure imposes a clear obligation upon the applicant to make a specific claim and support such claim with requisite documents. The specific claim of the candidate would be liable to be entertained only if it is supported by the said documents. In absence thereof or if the application is otherwise incomplete, it would be liable to be rejected and the authorities concerned would be under no obligation to consider such claim. To stake a claim under a particular category is for the candidate to decide but once such a decision is taken by him he is obliged to strictly adhere and comply with the terms and conditions of the brochure and furnish all the requisite information asked for including submission of the certificate like gradation certificate in case of a claim being staked to sports category."*

xxxx xxxx xxxx

*"16. In view of the above discussion the only unassailable and veritable view is that a candidate to such entrance test, in view of the terms and conditions of the brochure, afore-referred, is obliged to submit all the certificates required to annex along with the application and submit the same complete in all respects before the cut off date. In default thereto, no obligation is imposed upon the authorities concerned to entertain such application or to grant seat to that candidate."*

The petitioner's claim is also hit by the principle of acquiescence. Having voluntarily applied under the General category and failing to possess a valid certificate at the relevant time, he cannot now be permitted to approbate and reprobate. His subsequent request for change of category after the cut-off date cannot be entertained.

Moreover, administrative processes, especially those concerning recruitment, require certainty and adherence to timelines. Allowing changes in category post the deadline would amount to altering the rules of the game after it has begun, which is impermissible in law. While it is true that certain vacancies remain unfilled, the petitioner's exclusion cannot be faulted in view of his own

ineligibility under the BC-A category as on the relevant date. This Court cannot issue a mandamus contrary to statutory rules or recruitment policy.

In view of the foregoing, this Court finds no ground to interfere in exercise of writ jurisdiction under Article 226/227 of the Constitution of India. The petitioner has failed to establish any legal right violated by the respondents, and no arbitrariness or discrimination is shown in the conduct of the Commission.

The writ petition is accordingly dismissed.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**28.08.2025**

*anuradha*

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*