



119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-2077-2023 (O&M)
Date of Decision: 12.09.2025

SURAJ SHARMA

...APPELLANT

Vs

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MRS. JUSTICE RAMESH KUMARI

Present:- Mr. Narender Singh Kamboj, Advocate
for the applicant-appellant.

Mr. Maninder Singh, Addl. AG, Punjab.

Mr. Ashwani Talwar, Advocate with
Mr. Deepak Goyat, Advocate and
Mr. Nikhil Sehrawat, Advocate
for respondents No.2 and 3-PSPCL.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. Appellant is aggrieved by the order dated 15.09.2023 passed by the learned Single Judge in CWP No.-20538-2023, whereby appellant's claim for appointment has been rejected by the learned Single Judge on the ground that he did not possess requisite eligibility on the last date fixed for making of application.

2. The respondents had issued an Advertisement No.CRA 298/21 dated 21.05.2021 (*for short, 'Advertisement'*) inviting applications for appointment to the post of Clerks. The closing date for online registration was 20.06.2021. The application fee was to be deposited by 02.07.2021. The qualification for appointment included passing of Punjabi at Matriculation or its equivalent levels up to the last date of submission of online application.

3. In terms of the Advertisement therefore, the candidate was required to possess qualification of Punjabi and passing of Matriculation or its equivalent examination. The appellant applied for appointment to the post pursuant to the Advertisement, aforesaid, but had not annexed any Matriculation Certificate of Punjabi or equivalent thereof. The candidates were called for documents verification on 07.07.2022 by when also the appellant was not possessed of Punjabi qualification, required as per the Advertisement.

4. It is for the first time on 17.08.2022, that the appellant has produced the Punjabi Certificate as per which he had knowledge of Punjabi up to Matriculation level. The Certificate relied upon by the appellant is also issued to him in the month of July, 2022. It is, therefore, apparent from the Certificate produced by the appellant, that he was not possessed of eligibility for appointment to the post on the last date fixed for submission of application. It is for this reason that the writ petition of the appellant has been dismissed.

5. Learned counsel for the appellant submits that the appellant suffers from disability (Visually Handicapped) and is an Ex-serviceman. He, further, places reliance upon the provisions contained in Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 (*for short, 'Rules of 1994'*). Rule 17 of the Rules of 1994 refers to knowledge of Punjabi language. Fourth proviso to Clause 17 is relied upon by the appellant, which reads as under:-

“Provided further that where a ward of Defence Service Personnel, who is a bona fide resident of Punjab State, is

appointed by different appointment, he shall have to pass an examination of Punjabi Language equivalent to Matriculation Standard or he shall have to qualify a test conducted by the Language Wing of the Department of Education of Punjab Government within a period of two years from the date of his appointment.”

6. Learned counsel for the appellant places reliance upon the following judgments:-

- (i) Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board & Anr, 2016 (4) SCC 754.**
- (ii) Roopa Sharma v. State of Punjab, 1997 (2) SCT 706.**
- (iii) Naresh Kumar v. State of Punjab, 1993 (3) SCT 156.**
- (iv) Avinash Dalmotra v. State of Punjab and others, 2024 (1) SLR 891.**

7. It is submitted that even where the Certificate is submitted late yet the Supreme Court has directed that such Certificate be taken on record.

8. *Per contra*, learned counsel for the respondents places reliance upon the judgment of the Supreme Court in **Mohit Kumar v. State of Uttar Pradesh, 2025 SCC Online SC 1125** wherein the Supreme Court has observed as under:-

“14. What follows from the above decision is that irrespective of whether an aspirant for public employment belongs to a particular community like SC/ST/OBC, the status claimed by him for being accorded the benefit of reservation is per se not decisive. Such status has to be certified by the competent authority upon following due process and identification that the aspirant is what he claims

to be. In Shrinivas Prasad Shah (supra), the requirement of production of a certificate from the competent authority was held to be mandatory in view of a statutory mandate. Although there is no such statutory mandate in the facts of the present case, the requirement in question is no less mandatory and must be scrupulously followed. Once a process of recruitment is set in motion, all aspirants are entitled in law to equal treatment. There cannot be different yardsticks for different sets of aspirants. Non-compliance with the terms of the advertisement/notification is bound to trigger adverse consequences of rejection of the aspirant's claimed status by the selecting body/appointing authority, should he choose not to adhere to the same. Having regard thereto, the selecting body/appointing authority would be justified in not entertaining the application of an aspirant as a member of the community for whom reservations are permissible.”

9. In the facts of the instant case, it is apparent that the eligibility of candidate for appointment was to be ascertained on the last date of filing of the application which was 20.06.2021. The Advertisement clearly required the knowledge of Punjabi on the part of the candidate. Clause 4 of the Advertisement, in that regard, reads as under:-

“4. Knowledge of Punjabi:-

Qualification of Punjabi is essential for all the posts. For this purpose, all the candidates must have **passed Punjabi of at least Matriculation or its equivalent level up to last date of submission of line application.”**

10. By virtue of Clause 4 of the Advertisement, it became obligatory for the applicant to have passed Punjabi of at least Matriculation level or its equivalent up to last date of submission of online application.

11. It is after more than a year and a month that the appellant has acquired such qualification. In the absence of possessing requisite qualification on the closing date for online registration, it has not been possible for the respondents to consider the appellant's candidature.

12. Though, learned counsel for the appellant submits that the appellant is Visually Handicapped and is an Ex-serviceman and therefore, this Court may relax the norms for him, but we are not persuaded to accept such request even though the Court may have its sympathies for the appellant. The reason is apparent that the recruitment has to be in accordance with the Article 14 and 16 of the Constitution of India.

13. Once the Advertisement specifies the last date for possessing requisite eligibility for the post and it is shown that the appellant does not possess such requisite eligibility in terms of the Advertisement, no exception can be taken if his claim is not considered.

14. So far as the judgment of the Supreme Court in the case of ***Ram Kumar Gijroya (supra)*** is concerned, the issue therein was with regard to possessing of Caste Certificate by the candidate concerned. The Supreme Court found that the eligibility of the appellant on the last date of recruitment was undisputed and merely because the Certificate was submitted late was not construed as a ground to deny consideration to a candidate belonging to Scheduled Caste (SC).

15. In **Roopa Sharma (supra)**, the Division Bench of this Court dealt with a case where the candidate although had requisite knowledge of Punjabi but the same was not of Matriculation level. In **Roopa Sharma (supra)** the candidate had already passed the Punjabi examination conducted by Language Department of the State. There was nothing to show that this qualification was not equivalent to Matriculation level. It was in that context that the Division Bench of this Court allowed the claim of the appellant. This is not the case here.

16. It is not the appellant's claim that he had passed any other examination which was equivalent to Matriculation with Punjabi.

17. The other judgments relied upon by the appellant are also distinguishable on facts.

18. In **Sakshi Arha v. State of Rajasthan, 2025 INSC 463** a larger Bench of the Supreme Court has observed as under:-

“36. The Subsequent Notice, which was issued by the Rajasthan High Court on 04.08.2022, cannot be said to be arbitrary or without any basis. It specified that the certificate belonging to the concerned reserved category should have been issued prior or upto 31.08.2021 i.e. the last date of receipt of the application in pursuance to the Advertisement. This was because the Advertisement required a candidate to possess eligibility upto the cut-off date. As regards the specifications regarding a certificate issued between 31.08.2018 and 30.08.2020 along with the affidavit is concerned, this was based on the Government Circulars dated 09.09.2015 and 08.08.2019 (reproduced above) which clarified that the certificate issued will be valid for one year extendable by three years with affidavit. Thus, the

Subsequent Notice issued was in consonance with law and as per the Advertisement, applicable Rules, instructions and circulars issued by the competent authority. The plea of the appellants is unsustainable and deserves to be rejected. No relaxation can be granted in the given facts and circumstances of the case nor can it be claimed as a matter of right in the absence of any such discretionary clause in the Advertisement/Rules/Instructions.”

19. In view of the pronouncement of law on the issue by the Supreme Court, as per which the eligibility has to be completed by the last date of submission of the application form, we cannot extend any relief to the appellant.

20. In that view of the matter the instant appeal is **dismissed**.

21. Pending miscellaneous applications, if any, also stand disposed of.

**[ASHWANI KUMAR MISHRA]
JUDGE**

**[RAMESH KUMARI]
JUDGE**

SEPTEMBER 12th, 2025

Rahul Joshi

1. Whether Speaking/reasoned	Yes/No
2. Whether Reportable	Yes/No