



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CWP-20502-2017
DECIDED ON:09.09.2025

PANKAJ RANI

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jaivir Yadav, Sr. Advocate with
Sh. Ashutosh Sharma, Advocate
Sh. Gursimrat Singh, Advocate
for the petitioner
Mr. R.D. Sharma, DAG Haryana

Mr. Bhupinder Malik, Advocate for respondent no. 4
Mr. P.K. Mutneja, Sr. Advocate with
Mr. Suverna Mutneja, Advocate and
Mr. Brijesh Kumar, Advocate for respondent no. 5

SANDEEP MOUDGIL, J

1. Prayer

The present writ petition has been filed by the petitioner under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of *Certiorari* for quashing the action of respondent No. 2 in rejecting the candidature of the petitioner for the post of Staff Nurse advertised under Advertisement No. 01/2015 dated 19.06.2015 and also direction to the respondents to consider her candidature for the said post, under the Outstanding Sports Person (OSP) - BCA category.

2. Brief Facts

The petitioner applied for the post of Staff Nurse under Advertisement No. 01/2015 dated 19.06.2015 issued by respondent No. 2,

under the Outstanding Sports Person (OSP) - BCA category. She appeared for the written examination held on 15.01.2017 and was declared qualified, after which she was called for document verification on 22.05.2017. However, she failed to produce the requisite Gradation Certificate from the Department of Sports and Youth Affairs, Haryana, on the said date. Instead, she submitted provisional gradation certificates issued by the District Sports and Youth Affairs Officer and requested for one day's time to submit the original certificate. She claims to have submitted the required Gradation Certificate on 23.05.2017, but her name was not included in the list of candidates called for interview published on 11.08.2017. Despite submitting a representation dated 16.08.2017, no response was received.

Aggrieved by the rejection of her candidature without any reason, the petitioner has approached this Court seeking issuance of a writ to set aside the impugned action and to direct consideration of her candidature.

3. Contentions

On behalf of Petitioner

Learned counsel for the petitioner submits that the petitioner was fully eligible for consideration under the Outstanding Sports Person (OSP) – BCA category as per Advertisement No. 01/2015 issued by the respondent authority and successfully cleared the written examination held on 15.01.2017, was accordingly called for document verification on 22.05.2017. On the said date, though the petitioner could not produce the original Gradation Certificate issued by the competent authority (i.e., the Department of Sports and Youth Affairs, Haryana), she submitted provisional certificates issued by the District Sports Officer and requested the Scrutiny Committee to grant her a short time to produce the original certificate.

Counsel further submitted that the Committee orally permitted the petitioner to submit the certificate the following day. Relying on this assurance, the petitioner obtained and submitted the original Gradation Certificate on 23.05.2017 before 11:00 AM. It was argued that despite compliance, the petitioner's name was omitted from the list of candidates shortlisted for interview, published on 11.08.2017, without assigning any reasons.

Counsel further contends that a representation was made by the petitioner on 16.08.2017 requesting reconsideration, but the same remained undecided. It is urged that the petitioner was unjustly excluded despite fulfilling all eligibility conditions and complying with the process in good faith. The action of the respondents was alleged to be arbitrary, discriminatory, and violative of Articles 14 and 16 of the Constitution of India, as well as the principles of natural justice.

On behalf of Respondents

Learned counsel for the respondent vehemently denies the allegations made by the petitioner and submits that the petitioner's candidature was rejected in accordance with the prescribed rules and selection criteria. It was emphasized that the petitioner failed to produce the original OSP Gradation Certificate on the scheduled date of document verification, i.e., 22.05.2017, which was an essential and mandatory requirement for the category under which the petitioner applied. Although the petitioner submitted provisional gradation certificates and requested an extension to submit the original certificate the next day, the respondents pointed out that such a delay cannot be condoned when strict timelines were specified for scrutiny and document verification.

The respondents further contend that the petitioner's failure to produce the original certificate on the stipulated date led to the rejection of her candidature as per the rules governing the recruitment process.

Moreover, the petitioner's claim of entitlement to experience marks, is incorrect as no marks were awarded as the experience certificates submitted did not satisfy the prescribed criteria or were not verifiable within the stipulated time. The selection process was based on a comprehensive assessment including written examination, interview, and experience, with only five posts available under the OSP-BCA category.

The respondents further submitted that the process was conducted fairly, transparently, and in strict adherence to the rules. The submission of documents after the deadline and the incomplete fulfillment of eligibility conditions justified the non-inclusion of the petitioner's name in the final interview list.

4. Analysis

Heard counsel for both parties at length.

This court is of the opinion that the matter at hand calls for a careful examination of the scope of judicial review in the context of recruitment processes and the obligations of candidates to adhere strictly to the terms prescribed by the recruiting authority. It is not in dispute that the petitioner has challenged the impugned action of the respondents in rejecting her candidature for the post of Staff Nurse under Advertisement No. 01/2015, alleging non-consideration without assigning any reason and seeking directions for inclusion and consideration of her candidature.

At the outset, it must be reiterated that the Constitution of India, while guaranteeing equality under Article 14 and providing protection against arbitrary action by the State, does not confer a substantive right upon every

applicant to be selected in a competitive recruitment process unless they strictly fulfil the conditions of eligibility. This court cannot substitute the administrative authority's decision unless there is a manifest illegality, procedural impropriety, or violation of fundamental rights.

This court is mindful of the fact that the legal principles governing recruitment are well-settled. The candidates must strictly comply with the conditions prescribed in the advertisement as the rule of "equality" embodied in Article 14 of the Constitution of India requires uniform application of eligibility conditions and timelines. The doctrine of "equality before law" does not mean indiscriminate extension of benefits or relaxation of rules for individuals who fail to meet the mandatory conditions. Moreover, the recruiting authorities are entitled to enforce rules strictly and courts should not intervene to benefit a candidate who has failed to comply with procedural requirements. Any such relaxation would jeopardize the fairness and transparency of the recruitment process.

In the present case, the petitioner was required to submit the original OSP (Outstanding Sports Person) Gradation Certificate during the scrutiny of documents held on 22.05.2017. While the petitioner produced provisional certificates, the original certificate, a mandatory document for eligibility in the OSP category was not produced on the scheduled date. Reliance may be placed on the judgement rendered by the Supreme Court in "***Bedanga Talukdar v. Saifudaullah Khan, (2011) 12 SCC 85***" wherein it was held as follows:

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.

The petitioner's subsequent submission of the original certificate on the following day i.e on 23.05.2017, although allowed by the committee, does not absolve her of the non-compliance with the fixed timelines. The importance of strict adherence to timelines was reiterated by the Apex Court in "***Bhupinderpal Singh v. State of Punjab, (2000) 5 SCC 262***", that strict deadlines ensures a level playing field and prevents arbitrariness in selection and relaxation for one candidate would open the floodgates and defeat the sanctity of the recruitment process. Relevant paragraph of the same is as below:

“Placing reliance on the decisions of this Court in Ashok Kumar Sharma Vs. Chander Shekhar & Anr. JT 1997 (4) SC 99; A.P. Public Service Commission Vs. B. Sarat Chandra & Ors. 1990 (4) SLR 235; The Distt. Collector and Chairman, Vizianagaram (Social Welfare Residential School Society) Vizianagaram and Anr. Vs. M. Tripura Sundari Devi 1990 (4) SLR 237; Mrs. Rekha Chaturvedi Vs. University of Rajasthan & Ors. JT 1993 (1) SC 220; Dr. M.V. Nair Vs. Union of India & Ors. 1993 (2) SCC 429; and U.P. Public Service Commission, U.P., Allahabad & Anr. Vs. Alpana JT 1994 (1) SC 94, the High Court has held (i) that the cut off date by reference to which the eligibility requirement must be satisfied by the candidate seeking a public employment is the date appointed by the relevant service rules and if there be no cut off date appointed by the rules then such date as may be appointed for the purpose in the advertisement calling for applications; ii) that if there be no such date appointed then the eligibility criteria shall be applied by reference to the last date appointed by which the applications have to be received by the competent authority. The view taken by the High Court is supported by several decisions of this Court and is therefore well settled and hence cannot be found fault with”.

Furthermore, the petitioner claimed entitlement to marks on account of experience. However, the experience certificates produced failed to satisfy the criteria prescribed in the recruitment rules. The respondents, therefore, rightly excluded these marks in the final assessment.

The principle of natural justice is inherently respected when the recruiting authority affords equal opportunity to all candidates and applies uniform standards. There is no material to suggest that the respondents acted arbitrarily against the petitioner. The Court’s interference is warranted only in cases where there is a breach of fundamental rights or patent illegality, which is conspicuously absent here.

5. Conclusion

In conclusion, the petitioner failed to comply with the mandatory condition of submitting the original OSP (Outstanding Sports Person) Gradation Certificate within the prescribed timeline and failed to produce

adequate proof of experience for the award of marks. The respondents acted within the ambit of the recruitment rules, ensuring fairness and transparency. There is no scope for judicial interference in the absence of any arbitrariness or violation of statutory provisions.

Accordingly, the writ petition lacks merit and is liable to be dismissed.

09.09.2025
anuradha

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

:Yes/No
:Yes/No