



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

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**LPA-1151-2024 (O&M)**  
**Date of Decision: 21.08.2025**

HARYANA STAFF SELECTION COMMISSION ...APPELLANT

Vs.

JAGDIP SINGH AND OTHERS ...RESPONDENTS

**LPA-1768-2024 (O&M)**

HARYANA STAFF SELECTION COMMISSION ...APPELLANT

Vs.

SATISH KUMAR AND OTHERS ...RESPONDENTS

**LPA-1587-2024 (O&M)**

HARYANA STAFF SELECTION COMMISSION ...APPELLANT

Vs.

RAVI KISHORE AND OTHERS ...RESPONDENTS

**LPA-1799-2024 (O&M)**

HARYANA STAFF SELECTION COMMISSION ...APPELLANT

Vs.

MANISHA RANI AND OTHERS ...RESPONDENTS

**LPA-1809-2024 (O&M)**

HARYANA STAFF SELECTION COMMISSION ...APPELLANT

Vs.

GAURAV VASHISTHA AND OTHERS ...RESPONDENTS

**LPA-1801-2024 (O&M)**

HARYANA STAFF SELECTION COMMISSION ...APPELLANT

Vs.

NAVDEEP KHATRI AND OTHERS ...RESPONDENTS

**LPA-1770-2024 (O&M)**

HARYANA STAFF SELECTION COMMISSION ...APPELLANT

Vs.

RANDHIR SINGH AND OTHERS ...RESPONDENTS

**LPA-295-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION ...APPELLANT

Vs.

SAHIB RAM AND OTHERS ...RESPONDENTS

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

Present:- Mr. Sanjeev Kaushik, Addl. AG, Haryana with  
Mr. Divyanshu Kaushik, Advocate and  
Ms. Amisha Rana, Advocate  
for the appellant-State.

Mr. Rupinder S. Khosla, Senior Advocate with  
Mr. Abhishek K. Premi, Advocate and  
Mr. Aman Sharma, Advocate  
for the respondent(s) in LPA-1151-2024.

Mr. Abhishek K. Premi, Advocate  
for the respondents (in all LPAs).

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**ASHWANI KUMAR MISHRA, J. (ORAL)**

1. This bunch of appeals arises out of an order passed by the learned Single Judge dated 17.11.2023, whereby the writ petition(s) filed

by the respondents have been allowed and a direction has been issued to offer appointment to them on the posts of Arts and Craft Teachers.

2. The main issue that arises for consideration in this batch of appeals is as to what would be the relevant date for determining the fulfillment of eligibility by the candidates.

3. It is not in dispute that Advertisement No.6 of 2006 was published by the Haryana Staff Selection Commission (*for short*, 'HSSC') on 20.07.2006 wherein the qualification for the post was clearly prescribed. Last date fixed for receipt of application was 21.08.2006. The Advertisement also contained a Clause as per which the eligibility for appointment was to be seen with respect to the last date of making of application i.e. 21.08.2006. It is an admitted case of the parties that the respondents-petitioners had not possessed all the requisite qualifications for appointment to the post i.e. Diploma in the concerned subject. As a matter of fact, all the respondents were pursuing Diploma Course on the last date fixed in the Advertisement for making of application.

4. There are some intervening facts which have a bearing on the controversy raised and therefore are required to be noticed.

5. It transpires that in the Advertisement, the minimum age for appointment was mentioned as 18 years. However, in the applicable Rules for recruitment, the minimum age of recruitment was specified as 17 years. A writ petition accordingly came to be filed before this Court challenging the recruitment process on the ground that candidates who were below 18 years and above 17 years were also eligible to apply and

have been wrongly excluded from participation. This writ petition being **CWP No.16214/2008** titled as 'Sunita and others v. Haryana Staff Selection Commission', came to be allowed by this Court. During the pendency of the said petition, a Corrigendum was issued by the Commission on 24.11.2008, which reads as under:-

**“HARYANA STAFF SELECTION COMMISSION  
BAYS NO.67-70, SECTOR-2, PANCHKULA-134151**

**CORRIGENDUM**

*Reference Commission's advertisement No.6/2006, Cat No.22, Dated 20.07.2008 Published in the Indian Express, the tribue, Aar Ujala and Dainik Jagran Newspapers on 21.07.2006.*

*In Compliance of the orders of the Hon'ble High Court dated 20.11.2008 in CWP No.16214 of 2006 Sunita and others V/s State of Haryana and others, the Commission has considered such candidates eligible for the post of Art and Crafts Teacher, who has attained the age of 17 years and also acquired the advertised qualification for the said post on or before the cut off date i.e. 21.08.2006 for determining the eligibility against the aforesaid both the conditions and could not apply earlier may apply now upto 10.12.2008. However who have already applied and their applications have been rejected solely on the aforesaid ground need not require to apply again as their earlier applications will be considered. Rest of the terms and conditions will remain the same.”*

6. It is thereafter that the candidates were permitted to apply for

the post till 10.12.2008 in terms of the aforesaid Corrigendum.

7. Writ Petition No.16214/2008 ultimately came to be allowed by the learned Single Judge of this Court on 07.01.2009. Before the Writ Court, two questions were raised. The first question was with regard to the minimum age of recruitment, while the second question was with regard to acquiring of essential qualification by the candidates for the post by the dates specified in the Advertisement. In *Sunita (supra)*, the qualification of Diploma was obtained by the candidate concerned on 12.03.2007. Learned Single Judge while allowing the writ petition(s) held that the relevant date for examining the eligibility of candidates would have to be treated as 10.12.2008 and not 21.08.2006 as was stipulated in the Advertisement. The judgment of the learned Single Judge is reproduced as under:-

*“ This petition was filed for quashing the advertisement for filling up the post of Art and Craft Teachers on the ground that it was not in conformity with the Rules since in the advertisement the minimum age mentioned was 18 years as on 21.08.2006 while in the rules the same was 17 years. During the pendency of the petition the respondents issued a corrigendum correcting the age and permitting such persons who had consequently been rendered eligible to apply by 10.12.2008. The second point of discord between the parties is that the petitioners acquired the essential qualification by diploma dated 12.03.2007. As per the respondents even if the petitioners had been rendered eligible in terms of age yet they could not be held eligible since they did not have the requisite qualifications on the prescribed date viz. 21.8.2006. Learned counsel for the petitioners, however,*

*argues that as far as the petitioners are concerned, for them the cut off date would be 10.12.2008 and thus, they would have to be considered eligible.*

*Counsel has cited the case of Navneet Kaur v. State of Punjab and others reported as 2008(4) SCT 192 wherein a Division Bench of this Court has held as follows:*

*“It is evident that by the corrigendum the applications for 700 posts and 600 posts of Mathematics Master/Mistress were invited and the date was extended to 31.08.2006. Once the last date for submission of applications has been extended to 31.08.2006 it follows that the eligibility as per Clause 10 would automatically be considered as on 31.8.2006. The detailed marks card of the petitioner in respect of her B.Ed. Examination is dated 20.8.2006 (Annexure P-1) and accordingly she has to be considered as eligible.”*

*In my opinion this decision of a Division Bench is binding on me and since the last date for application was extended for persons like the petitioners the cut off date for them would be the subsequent date viz. 10.12.2008.*

*In this view of the matter I hold that the petitioners are eligible to be considered for appointment and consequently allow the petition.”*

8. The judgment of learned Single Judge in Sunita (*supra*) has since been affirmed in LPA No.706/2009. The aforesaid judgment(s) were carried in appeal by the Commission by filing Special Leave to Appeal No.36329/2009 which came to be dismissed by the Supreme Court *vide*

order date 07.01.2010. The order dated 07.01.2010 passed by the Supreme Court in Special Leave to Appeal No.36329/2009 reads as under:-

*“The petition is directed against order dated 10.08.2005 passed by the Division Bench of the High Court of Punjab and Haryana in LPA No.706/2009 whereby it declined to interfere with the direction given by the learned Single Judge to the petitioners herein to consider the candidature of the respondents for recruitment as Art and Craft Teachers.*

*In response to advertisement dated 20.07.2006 issued by petitioner No.1, the respondents applied for recruitment as Art and Craft teachers. Their applications were rejected only on the ground that they had not attained the age of 18 years. The respondents challenged this action of petitioner No.1 on the ground that the age (18 years) specified in the advertisement was more than the age (17 years) prescribed in the recruitment rules.*

*During the pendency of the writ petition filed by the respondents, petitioner No.1 issued corrigendum dated 24.11.2008 and amended the requirement of minimum age from 18 to 17 years. The learned Single Judge held that in view of the corrigendum issued after two years of the initial advertisement, there was no justification to treat the writ petitions ineligible for being considered for appointment against the advertised posts. The Division Bench agreed with the learned Single Judge and dismissed the Letters Patent Appeal.*

*We have heard learned counsel for the petitioners. In our opinion, the direction given by the learned Single Judge was just and equitable and the Division Bench did not commit any error by refusing to set aside the same.*

*With the above observations, the Special Leave Petition is dismissed.”*

9. Relying upon the decision of this Court and the case of *Sunita (supra)*, learned Single Judge has held that the relevant date for determining the eligibility of a candidate has to be treated as 10.12.2008 and therefore, the insistence on part of the Commission to examine the qualification on 21.08.2006, is not correct. We may also note, at this stage, that after the judgment of this Court in the case of *Sunita (supra)*, the recruitment process has progressed, wherein the respondents-petitioners have qualified successive stages of recruitment by clearing the examination(s) etc., but they were not issued the appointment letters by the appellant(s) on the ground that the respondents-petitioners did not possess the qualification of Diploma on 21.08.2006 which was the last date by when eligibility condition had to be fulfilled.

10. It is in this context, the writ petition(s) filed by the respondents have been allowed and a direction is issued by the learned Single Judge to appoint the respondents. Thus aggrieved, the State and the Commission are before us in the present bunch of appeals.

11. Shri Kaushik, learned counsel appearing for the appellant(s) contends that the last date for the purposes of determining the eligibility

in terms of the Advertisement since was 21.08.2006 therefore, the candidate(s) who obtained the eligibility by passing the Diploma thereafter were not eligible to apply and the contrary view taken by the learned Single Judge is incorrect. It is also submitted that the limited purpose for which Corrigendum was issued by the Commission was to accommodate those candidate(s) who could not apply because of wrong fixation of minimum age in the Advertisement and the object was merely to extend an option to such candidate(s) to apply and for their purpose alone, the last date in the Corrigendum was extended to 10.12.2008.

12. Shri Kaushik, learned counsel also places reliance on the judgment of the Supreme Court in Ashok Kumar Sharma v. Chander Shekhar, 1997 (4) SCC 18 to contend that qualifications required for the post even if it is obtained prior to date of holding of the interview but is after the last date fixed for filing of the application such candidate could not be eligible.

13. Reliance is also placed upon a judgment of the Supreme Court in Ashok Kumar Sonkar v. Union of India, 2007 (4) SCC 54 to contend that in the absence of any cut-off date specified in the Advertisement or the Rules, the last date for filing of application shall be considered as the cut-off date for eligibility.

14. Relying upon the aforesaid two judgments, it is contended that since the last date for filing of the application was specified in the Advertisement therefore obtaining qualification by the respondents after such cut-off date would clearly dis-entitle them from consideration for the

purpose of appointment.

15. On behalf of the respondents-petitioners, it is submitted that the proposition of law urged on behalf of the Commission although is well-settled but the same has no applicability in the facts of the instant case. It is contended that the Corrigendum issued by the Commission not only extended the date for filing of the application, but in a way also postponed the date by when a candidate could apply thereby indicating that the date of eligibility stood extended to 10.12.2008. It is submitted that all the respondents had acquired eligibility prior to 10.12.2008. It is also submitted that the issue raised by the Commission is no longer *res integra* in view of the authoritative pronouncement on the same subject by this Court in the case of Sunita (supra), which has attained finality up to the Supreme Court.

16. Learned counsel for the respondents-petitioners has also placed reliance upon the judgment of this Court in the case of Kavita Rani and others v. Haryana Staff Selection Commission, CWP-210-2009 which was in respect of a same selection and same controversy. The learned Single Judge in Kavita Rani (supra) has examined the implications of the Supreme Court's judgment in Ashok Kumar Sharma (supra) which has been relied upon by the Commission. The consideration in that regard by this Court has been highlighted and is reproduced hereinafter:-

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*Once cut-off date for making applications for one category of the candidates who wanted the relaxation of age has been*

*extended, the similar treatment has been denied to those who acquired qualifications beyond 21.8.2006, the last date for submission of the applications as prescribed in the original advertisement. There cannot be two different yardsticks and different cut off dates in the same advertisement, one for the educational qualification and the other for the age. The purpose to fix the cut off date is to stop the competition at some stage and it is primarily the prerogative of the employer or the selection body. It is equally admitted proposition of law that a candidate should possess the qualifications upto cut off date made in the application unless the advertisement prescribes any other date. In the case of **Ashok Kumar sharma and others vs. Chander Shekhar and another**, 1997(3) RSJ the Hon'ble Supreme Court observed as under:-*

*"The Review petitions came up for final hearing on March 3, 1997. We heard the learned counsel for the review petitioners, for the State of Jammu and Kashmir and for the 33 respondent So far as the first issue referred to in our order dated, 1st September, 1995 is concerned, we are of the respectful opinion that majority judgment (rendered by the Dr. T.K. Thommen and V. Ramaswami, JJ) is unsustainable in law, the proposition that where applications are called for prescribing a particular date as the last date for filing the applications, the eligibility candidates shall have to be judged with reference to that date and that date alone, is a well-established one. A person who acquires the prescribed qualification subsequent to such prescribed date cannot be considered at all. An advertisement or notification issued/published calling for applications constitutes a representation to the public and the authority issuing it is bound by such representation. It cannot act contrary to it. One reason behind this proposition is that if it were known that persons who obtained the qualifications after the*

*prescribed date but before the date of Interview would be allowed to appear for the interview would be allowed to appear for the interview, other similarly placed persons could also have applied. Just because some of the persons had applied notwithstanding that they had not acquired the prescribed qualifications by the prescribed date, they could not have been treated on a preferential basis. Their application ought to have been rejected at the inception itself. This proposition is indisputable and in fact was not doubted or disputed in the majority Judgement. This is also the proposition affirmed in Rekha Chaturvedi (Smt.) v. University of Rajasthan and others [1993 Suppl. (3) S.C.C 168]. The reasoning in majority opinion that by allowing the 33 respondents to appear for the interview, the Recruiting Authority was able to get the bests talent available and that such course was in furtherance of public interest is, with respect, an impermissible Justification It is, in our considered opinion, a clear error of law and an error apparent on the face of the record. In our opinion, R.M. Sahai, J. (and the Division Bench of the High Court) was right in holding that the 33 respondents could not have allowed to appear for interview.”*

17. In light of the deliberations made in Kavita Rani (as quoted above), the writ petition was allowed and we are informed that the judgment in Kavita Rani (supra) has already been implemented by the Commission.

18. An affidavit has been filed by the Secretary, Haryana Staff Selection Commission in contempt petition clearly stating that the Commission has considered similarly placed candidate(s) as eligible for the post and declared their result, thereafter such persons have also been appointed. It is, therefore, submitted that once the issue has been settled under the authoritative pronouncement of this Court in the case of Sunita

(*supra*) and Kavita Rani (*supra*), it is not open for the Commission now to revive the controversy which has otherwise attained finality.

19. Facts, as have been noticed above, are not in issue. It is undisputed that the last date for making application for the post was 21.08.2006. In terms of the Advertisement, none of the respondents-petitioners possess the qualification for the post. Their claim of entitlement flows from the Corrigendum issued by the Commission on 24.11.2008. The Corrigendum has already been noticed above. We have already reproduced the judgment of this Court in Sunita (*supra*) wherein the Corrigendum has been interpreted by this Court to hold that cut-off date would have to be extended for persons like petitioners to 10.12.2008. Once the cut-off date has been held to be 10.12.2008 for the petitioners in CWP No.16214-2008, there is no reason as to why similar treatment be denied for the respondents-petitioners in this batch of appeals.

20. It is, otherwise, to be noticed that though the recruitment process commenced in 2006 but the process was concluded only in the year 2020-2021. It was almost 13 years prior to the declaration of result that all the respondents-petitioners had secured requisite qualification for the post. They have otherwise successfully cleared the recruitment examination. In such circumstances, once the learned Single Judge by giving elaborate reasons has allowed the claim of the respondents relying upon the judgment of this Court in the case of Sunita (*supra*) which has been affirmed up to the Supreme Court, we do not find any reason to interfere in the order passed by the learned Single Judge.

21. In view of the above, the instant batch of appeal(s) stands **dismissed**. Pending application(s), if any also stand(s), disposed of.

22. Photocopy of this order be placed on the file(s) of connected case(s).

**[ASHWANI KUMAR MISHRA]**  
**JUDGE**

**[ROHIT KAPOOR]**  
**JUDGE**

**AUGUST 21, 2025**

*Rahul Joshi*

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