



CWP-23835-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23835-2024 (O&M)

Date of decision: 20.03.2025

Divya Kalia

...Petitioner

V/s

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Anand Chhibbar, Senior Advocate with
Ms. Shreya B. Sarin, Advocate and
Mr. Himanshu Malik, Advocate for the petitioner.

Mr. Naveen S. Bhardwaj, Addl. Advocate General, Haryana
for respondent Nos.1, 4 & 5.

Mr. Sukhdeep Singh Chhatwal, Advocate for
Mr. Ajaivir Singh, Advocate for respondent No.2-High Court.

Mr. Balvinder Singh Sangwan, Advocate
for respondent No.3-HPSC.

SUMEET GOEL, JUDGE

1. Taking exception to the rejection of her candidature in the Haryana Civil Services (Judicial Branch) Examination for the year 2023-2024, the petitioner has sought for grant of a writ for her appointment as Civil Judge (Junior Division) in the State of Haryana.

2. Shorn of non-essential details, the relevant factual matrix of the *lis* in hand is adumbrated, thus:

(i) Vide Advertisement dated 01.01.2024 (*hereinafter to be referred to as 'advertisement in question'*) the respondent No.3 namely Haryana Public Service Commission (*hereinafter to be referred to as 'HPSC'*) advertised the vacancies of Civil Judge (Junior Division) in the



CWP-23835-2024

2

State of Haryana. The relevant Clauses of the *advertisement in question* read thus:

Clause 1 of the *advertisement in question* (hereinafter to be referred to as ‘Clause 1’) reads thus:

“1. CANDIDATES TO ENSURE THEIR ELIGIBILITY FOR THE EXAMINATION: *The Candidates applying for the examination should ensure that they fulfill all eligibility conditions for admission to the examination. Their admission to all the stage of the examination will be purely provisional subject to satisfying the prescribed eligibility conditions. Mere issue of e-Admit Card to the candidate will not imply that his/her candidature has been finally cleared by the Commission. The Commission takes up verification of eligibility conditions with reference to original documents only after the candidate has qualified for Main Written Examination/Interview/Personality Test.*

Note: The decision of the Commission with regard to the eligibility or otherwise of a candidate for admission to the Examination, shall be final.”

Clause 3 of the *advertisement in question* (hereinafter to be referred to as ‘Clause 3’) reads thus:

“3. LAST DATE FOR RECEIPT OF APPLICATIONS: *The online Applications can be submitted upto 31.01.2024 till 11:55 PM. The candidates shall be issued an e-Admit Card well before the commencement of the Examination. The e-Admit Card will be made available on the official website of the Commission for downloading by the candidates. No Admit Card will be sent by post.*

Clause 9 of the *advertisement in question* (hereinafter to be referred to as ‘Clause 9’) reads thus:

“9. Plan of Examination:

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

Note:

The candidates will have to upload the scanned documents/certificates in support of date of brith, category {viz.

3

The category/caste certificates for BCA/BCB/EWS/DESM should have been issued during the year 2023-24 as per latest instructions issued by the Haryana Government in this regard. Further, these certificates should be valid for the year 2023-24. The BC-A/BC-B certificates should be issued according to Haryana Govt. Instructions dated 17.11.2021 & 22.03.2022. The EWS certificate must show the annual income of the family less than Rs.6 lacs as per Govt. Instructions dated 25.02.2019.”

“ xxx xxx xxx
xxx xxx xxx

xxx	xxx	xxx
xxx	xxx	xxx''

“29 RESERVATION

xxx	xxx	xxx
xxx	xxx	xxx''

“30 GENERAL INSTRUCTIONS:

xxx	xxx	xxx
xxx	xxx	xxx

3 of 21



CWP-23835-2024

4

xxx

xxx

xxx

xxx

xxx

xxx”

Clause 36 of the *advertisement in question* (hereinafter to be referred to as ‘Clause 36’) reads thus:

“xxx

xxx

xxx

xxx

xxx

xxx

v) The hard copy of application form along with all uploaded documents must be brought at the time when called upon to do so by the Commission. No document(s) which has/have not been uploaded shall be entertained.

xxx

xxx

xxx

xxx

xxx

xxx”

(ii) The petitioner is stated to have submitted the online application form, as a Scheduled Caste Candidate (*hereinafter referred to as ‘SC Candidate’*), on 24.01.2024 i.e. within the time stipulated in the *advertisement in question*. The petitioner submitted her Scheduled Caste Certificate dated 11.07.2016 (*hereinafter referred to as ‘SC Certificate dated 11.07.2016’*). The petitioner further appeared for the preliminary examination on 03.03.2024 and upon passing the same, she cleared the main written examination which was conducted from 12.07.2024 to 14.07.2024. The schedule of *viva voce* was issued and the petitioner was slated to be interviewed on 15.09.2024.

(iii) On 05.09.2024, the petitioner received an intimation from HPSC, relevant whereof reads as under:

“Kindly refer to your online application form for the post cited as the subject. On checking/scrutiny of your online application form to adjudge your eligibility, your candidature has found provisionally liable for rejection due to the following reasons:-

1. You have attached the certificate of SC category dated 11.07.2016 without registration number & date.
2. You have not attached the domicile of Haryana.



CWP-23835-2024

5

If you have any objection against the rejection, you can submit your representation along with documentary proof through e-mail i.e. SR5-hpsc@hry.gov.in upto 07.09.2024 till 04:00 PM, failing which no representation will be entertained by the Commission and your candidature will be finally rejected.”

(iv) On 05.09.2024 itself; the petitioner informed HPSC, by way of e-mail, that her requisite caste certificate as also the domicile certificate had already been submitted but, somehow, the registration number and date was missing from her *SC certificate dated 11.07.2016*. The petitioner pleaded with the HPSC that the *SC certificate dated 11.07.2016* submitted by the petitioner was correct one and the same had been issued on the basis of Scheduled Caste Certificate of her father which dated back to 11.07.1991. The petitioner also sought for a clarification regarding the genuineness of her *SC certificate dated 11.07.2016* from Tehsildar, Gurugram (respondent No.4 herein) and the said certificate was found to be genuine by the said authority. She informed HPSC about it as well.

(v) Vide order dated 12.09.2024 (*hereinafter referred to as ‘impugned order’*) HPSC rejected the candidature of the petitioner.

(vi) This Court had passed an order dated 18.09.2024 while the petition in hand was under consideration, in the hands of this Court, for grant of interim relief, relevant whereof reads as under:

“xxxxxxx

In the meanwhile, petitioner be permitted to participate provisionally in the interview/viva-voce which it is stated is being held from 13.09.2024 to 29.09.2024. It is made clear that participation in this interview shall not vest the petitioner with any right whatsoever for selection and is completely subject to decision of this writ petition. Her result be kept in sealed cover.

xxxxxxx.”



CWP-23835-2024

6

(vii) It is in this factual backdrop, that the present writ petition has come up for receiving final consideration at the hands of this Court.

Rival contentions

3. Learned counsel for the petitioner; led by Sh. Anand Chhibbar, Senior Advocate; have argued that the petitioner is a bona fide SC category candidate and had submitted the requisite SC certificate with regard to the terms of the *advertisement in question*. Learned counsel has iterated that, the non-mentioning of the date and registration number upon the *SC certificate dated 11.07.2016*, was not within the control of the petitioner. It has, thus, been urged that all that the petitioner could have done was to seek a certificate from the concerned authorities, which she in-fact did and thereafter submitted the same, for the *examination in question*. Learned counsel has further iterated that, once the *HPSC* has sought for a clarification regarding the *SC certificate dated 11.07.2016*, the same was promptly given by the petitioner and thus she cannot be fastened with any adverse consequence in this regard. It has been further submitted that the *SC certificate dated 11.07.2016* has been found to be valid by respondent No.4 (Tehsildar Gurugram) and thus there was no cause with the *HPSC* to reject the candidature of the petitioner.

On strength of these submissions, the grant of writ petition in hand is entreated for.

4. In response to notice of motion by this Court, respondents caused appearance through counsel.

4.1. Learned counsel appearing for respondents No. 1, 4 and 5 has raised submissions in tandem with a short reply by way of affidavit of Ms.

**CWP-23835-2024****7**

Shikha, Tehsildar, Gurugram. The gravamen of this short reply is that the *SC certificate dated 11.07.2016* issued in favour of the petitioner by the concerned State authority(s) is valid and it has also been admitted that the said certificate was not numbered.

4.2. No written reply has been submitted on behalf of respondent No.2-High Court. Learned counsel appearing for the respondent No.2-High Court has iterated that the *HPSC* is the recruiting agency and, insofar as the present *lis* is concerned, the respondent No.2 does not have any effective or substantial role in adjudication thereof.

4.3. Respondent No.3-*HPSC* has filed a short reply by Shri Satish Kumar, Deputy Secretary, Haryana Public Service Commission. Learned counsel appearing for respondent No.3, while raising submission in tandem with the said short reply, has submitted that the *Clause 1* casts a responsibility upon the candidates for ensuring their eligibility by submitting the requisite documents. Learned counsel has further strenuously relied upon *Clause 30* to iterate that the *advertisement in question* clearly prescribes that the incomplete or defective application form will be summarily rejected and thus there arises no cause with the petitioner to now rectify the error. Learned counsel has further argued that the stipulations provided in the *advertisement in question* carry the force of law and apply with equal vigour to one and all with no scope for relaxation therein. Learned counsel has, thus, pressed that any candidate who has not complied with the requisite stipulations, is bound to invite adverse consequences. Learned counsel has further urged that the petitioner could not have, later on, submitted documents etc. in support of the genuineness of the *SC certificate dated 11.07.2016* and thus her candidature has rightly been rejected. On the



CWP-23835-2024

8

strength of these submissions, learned counsel appearing for respondent No.3 has sought for dismissal of the writ petition in hand.

5. We have heard learned counsel for the rival parties and have perused the record.

Prime issue

6. The prime issue that arises for consideration in the writ petition in hand is, as to whether the petitioner's candidature as a SC candidate, was wrongly rejected by the *HPSC*. In case it is found so, what relief(s) ought to be afforded to the petitioner.

The seminal legal issue that arises for cogitation is whether the candidature of an aspirant in a selection/examination process, who is otherwise eligible, ought to be rejected by the selecting/examining agency on account of inadvertent submission of an irregular/incomplete certificate which is sought to be substituted by a correct/complete certificate at a stage subsequent to the cut-off-date for applying to such selection/examination process.

Relevant Statute

7. Article 226 of the Constitution of India reads as under:

“226. Power of High Courts to issue certain writs.— (1)Notwithstanding anything in article 32, every High Court shall have powers, throughout the territories in relation to which it exercise jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warrantor and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) xxxxxxxxxxxxxxxx

(3) xxxxxxxxxxxxxxxx

(4) xxxxxxxxxxxxxxxx



CWP-23835-2024

9

Relevant Case Law

8. The precedents, *apropos* to the matter(s) in issue, are as follows:

(i) In a judgment titled as ***Charles K. Skaria and others vs. Dr. C. Mathew and others, 1980 AIR 1230***, the Hon'ble Supreme Court has held as under:-

“20. xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx. *What is essential is the possession of a diploma before the given date; what is ancillary is the safe mode of proof of the qualification. To confuse between a fact and its proof is blurred perspicacity. To make mandatory the date of acquiring the additional qualification before the last date for application makes sense. But if it is unshakeably shown that the qualification has been acquired before the relevant date, as is the case here, to invalidate this merit factor because proof, though indubitable, was adduced a few days later but before the selection or in a manner not mentioned in the prospectus, but still above board, is to make procedure not the hand made but the mistress and form not as subservient to substance but as superior to the essence.*

(ii) In a judgment titled as ***Ashok Kumar Sharma vs. Chander Shekhar, AIR ONLINE 1997 SC 700***, a Three Judge Bench of the Hon'ble Supreme Court has held as under:-

“6. xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx. *The proposition that where applications are called for prescribing a particular date as the last date for fling the applications, the eligibility of the 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; other similarly placed persons could also have applied. Just because some of the persons had*



CWP-23835-2024

10

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 applications ought to have been rejected at the inception itself. This proposition is indisputable and in fact was not doubted or disputed in the majority judgment.

(iii) In a judgment titled as ***Dolly Chhanda vs. Chairman, JEE and others 2004 AIR Supreme Court 5043***, a Three Judge Bench of the Hon'ble Supreme Court has held as under:-

"7. The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e. in the matter of holding the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or mark-sheets. Similarly, in order to avail of the benefit of reservation or weightage, etc. necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement to benefit of reservation. Depending upon the facts of a case, there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature."

(iv) In a judgment titled as ***Bedanga Talukdar vs. Saifudaullah Khan and others, 2011(12) SCC 85***, the Hon'ble Supreme Court has held as under:-

"28. 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



CWP-23835-2024

11

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.”

(v) In a judgment titled as **Ram Kumar Gijroya vs. Delhi Subordinate Services Selection Board & Anr.****AIR 2016 SUPREME COURT 1098**,the Hon’ble Supreme Court has held as under:-

“15. xxx xxx xxx xxx
Xxx xxx xxx xxx

18. While taking a particular view in such matters one has to keep in mind the objectives behind the post of SC and ST categories as per constitutional mandate prescribed in Articles 15(4) and 16(4) which are enabling provisions authorising the Government to make special provisions for the persons of SC and ST categories. Articles 14(4) and 16(4), therefore, intend to remove social and economic inequality to make equal opportunities available in reality. Social and economic justice is a right enshrined for protection of society. The right in social and economic justice envisaged in the Preamble and elongated in the Fundamental Rights and Directive Principles of the Constitution, in particular Arts. 14, 15, 16, 21, 38, 39 and 46 are to make the quality of the life of the poor, disadvantaged and disabled citizens of the society meaningful. xxxxxxxxxxxxxxxxxxxxxxxxx.

16. In our considered view, the decision rendered in the case of Pushpa (supra) is in conformity with the position of law laid down by this Court, which have been referred to supra. The Division Bench of the High Court erred in reversing the judgment and order passed by the learned single Judge, without noticing the binding precedent on the question laid down by the Constitution Benches of this Court in the cases of Indra Sawhney and Valsamma Paul (supra) wherein this Court after interpretation of Articles 14,15,16 and 39A of the Directive Principles of State Policy held that the object of providing reservation to the SC/ST and educationally and socially backward classes of the society is to remove inequality in public employment, as candidates belonging to these



12

nt titled as *Ka*

However, it must be n

ent titled as

ent titled as

Charles K. Skaria

xx

xx

Also very well served



CWP-23835-2024

13

Supp (3) SCC 168]; Bhupinderpal Singh v. State of Punjab [(2000) 5 SCC 262]; Ashok Kumar Sonkar v. Union of India [(2007) 4 SCC 54].

xxx xxx xxx xxx
xxx xxx xxx xxx

53. Quite apart from the above, much water has also flown under the bridge. The UPSC has made the cadre allocations and the EWS candidates against the 298 vacancies have also been allotted their respective cadres. Today, it is legally not permissible and administratively not feasible for the UPSC to unscramble the egg. Accepting the contention of the petitioners would also result in administrative chaos and will prolong the selection process indefinitely.

Analysis (re law)

9. It is trite law that a candidate, seeking public employment, must possess the requisite mandatory qualification(s) as on the prescribed cut-off-date. The Three Judge Bench judgment of Hon’ble Supreme Court in the case of **Ashok Kumar Sharma** (supra) and **Bedanga Talukdar** (supra) unequivocally enunciates that the eligibility of a candidate is required to be adjudged with scrupulous reference to the cut-off-date and that date alone. A person, who acquires the requisite prescribed qualification, subsequent to such a prescribed cut-off date, renders himself ineligible and cannot be shown any relaxation unless the extant rules so provide. As a pivotal imperative pre-requisite thereof, a candidate is pertinently required to possess the mandatory qualification(s), as sought for by the concerned selecting/examining agency, on the cut-off-date; whereas, acquiring them subsequently would not render such a candidate eligible& failure therein would incur in consequential penal effect(s).

The general rule, thus, is that a candidate must deposit all requisite certificate(s) etc. at the time of submitting his application form and he ought not to be permitted to rectify such certificate(s). However, *possession* of a qualification is starkly distinct from the *proof* thereof. Hon’ble Supreme Court in the case



CWP-23835-2024

14

of **Charles K. Skaria** (supra) has held that what is essential is the possession of a qualification before the concerned date and mode of proof thereof, is ancillary. Following this *dicta*; the Hon'ble Supreme Court in the cases of **Dolly Chhanda** (supra), **Ram Kumar Gijroya** (supra) and **Karan Singh Yadav** (supra); has carved out exception(s) when it relates to submission of a certificate/testimonial with a technical defect/irregularity, which was beyond the reasonable control of such candidate(s). It is an unshaken canon of our jurisprudence that when substantial and technical considerations are pitted against each other, the cause of substantial justice deserves to be preferred. Procedural and technical hurdles ought not to be allowed to stand in the way of substantial justice. It must be grasped that the concept of substantial justice is respected not on account of its power to legalize an otherwise injustice configured so endowed with a sceptre *nay* SENGOL on technical grounds; but because it is for striking out and is expected to do so. If the procedural violation does not cause prejudice to anyone else, the concept of substantial justice requires that the Courts/authorities must lean towards effectuating justice rather than relying upon procedural and technical violations. When substantial & procedural considerations stand in opposition, the former must invariably prevail, for justice is not a mere mechanical exercise but a tangible pursuit of truth & fairness. The *dicta* of these judgments, essentially, grants a latitude to the reserved category aspirants, treating the submission of irregular/technically defective certificate(s), being essentially procedural lapse(s) which may be condoned, in view of the facts involved. The common denominator, which runs through these decisions is that, even when correct requisite certificate(s) were allowed to be submitted belatedly, such candidate did actually possess such qualification on the cut-off-date. In other words, the Apex Court has enunciated that such certificate(s)/testimonial(s) were

**CWP-23835-2024****15**

proof of an attribute which the candidate already possessed of and such attribute was not attained after the cut-off-date.

Judicial notice can well be taken by this Court that, such reservation certificate(s) are, more often than not, issued at the end of the concerned authority(s) and a candidate does not have any say *nay* authoritative say in issuance thereof. In actual life, it is often exasperatingly cumbersome for a candidate to obtain requisite certificate *nay* one issued in the exact prescribed form from the concerned authority. A technical irregularity/defect in such certificate(s) issued by the concerned competent authority is, thus, beyond the control of an aspirant. Actual excellence or even basic eligibility, thus, cannot be permitted to be obliterated by the choice of an orthodox interpretation of law and procedure. Equity ought to overpower technicality where the justice so demands. In the realm of writ jurisdiction, courts are duty bound to uphold the paramount cause of substantial justice, ensuring that the dispensation of justice is not thwarted by mere technicalities. While procedural considerations serve as necessary safeguards to ensure orderly adjudication, they must never be exalted to the extent that they eclipse the fundamental tenets of fairness, equity and justice or even moribund the cause of justice. The Court, as a sentinel of justice, must wield its discretionary power to prevent miscarriage of justice arising from rigid adherence to procedural formalities. Equity, being the soul of justice, demands that the courts adopt a liberal and pragmatic approach, ensuring that the form does not triumph over the substance. A constitutional court, vested with extra-ordinary jurisdiction, must, therefore, eschew hyper-technical reasoning and focus on the broader ends of justice, for the law must ever remain a handmaiden to justice & not an instrument of oppression or procedural entanglement.



CWP-23835-2024

16

10. A conundrum faced by the selecting/examining agency in such a scenario, seeks attention, namely; granting latitude to the candidate(s) for submission of correct/technical error free certificate(s) after the last date of depositing of application form having passed, poses a threat of uncertainty, looming large in the selection/examination process, as also may cause delay in culmination thereof.

A candidate, while making an application and submitting documents in support thereof, indubitably ought to be diligent and any laxity ought not to be condoned as has been in the case of *Divya* (supra). Document(s)/certificate(s) required to be submitted have to be scrupulously checked by the candidate concerned before submission thereof. A candidate cannot be afforded latitude for omission(s) on his part as the selecting/examining agency has to proceed on the basis of application and documents submitted by the candidate. In case an error has occurred on account of circumstances beyond the control of the applicant, namely, an incorrect/technically defective certificate(s), received by the candidate from the competent authority, having been presented by the candidate, in the backdrop of such a candidate actually possessing the requisite qualification, some latitude may be extendable to such a candidate. It is indubitable that it is for the candidate to show good cause, with certitude, for grant of such a latitude. Also, corrective or remedial steps ought to be undertaken at the end of the concerned candidate, at the earliest feasible date, since the time lapse may, by itself proscribe any such latitude as held by the Hon'ble Supreme Court in case of *Divya* (supra).

Ergo; the conundrum is set at naught; viz, a candidate seeking latitude for submission of an incorrect/defective certificate alongwith the application form is required to show tangible cause or accentuating circumstances, at the earliest opportunity lest the timeline itself may non-suit such candidate. No



CWP-23835-2024

17

exhaustive set of such circumstances/cause(s) can possibly be laid down however alluring this aspect may be. It is neither fathomable nor desirable to lay down any straight jacket formula in this regard. Any attempt in this case would be, to say the least, *quixotic* endeavour. Circumstantial flexibility, one additional or different fact, may make a sea of difference between conclusions in two cases. Such exercise would thus, indubitably, be dependent upon the factual matrix of a particular *lis*, since every case has its own peculiar factual conspectus.

Analysis (re facts of the present case)

11. The petitioner, while laying forth her claim as a *SC Candidate*, in response to the *advertisement in question* submitted her *SC Certificate dated 11.07.2016* which clearly stipulates that such certificate was issued by the concerned competent authority, namely, the Tehsildar, Gurugram on the basis of an earlier SC certificate issued in favour of the petitioner on 14.05.2012. It also further reflects that the certificate had been issued on the basis of a Scheduled Caste certificate dated 14.07.1976 issued to the father of the petitioner. Two fold objections were raised by the *HPSC* vide communication dated 05.09.2024 i.e. *firstly* the *SC Certificate dated 11.07.2016* did not have any registration number and date & *secondly*, the domicile certificate of the petitioner for the State of Haryana was not attached.

A perusal of the *SC Certificate dated 11.07.2016* reflects that the registration number as also date is not mentioned on the top left side thereof but on the bottom left side of the same, the date is mentioned as 11.07.2016. Hence, the objection raised by *HPSC* regarding non-mentioning of date on the top left side of the *SC Certificate dated 11.07.2016* is *sans* logic. It is a trivial error and law does not concern itself with trifles as per



CWP-23835-2024

18

salutary legal principle enshrined in the maxim *De Minimus Non Curat Lex*. Further, by no stretch of imagination, the non-mentioning of registration number on the top left side of the *SC Certificate dated 11.07.2016* can be attributed to the petitioner as it was for the concerned competent authority, (Tehsildar of Gurugram in the present case), to mention the registration number. Further, the factum of non-mentioning of registration number on the *SC Certificate dated 11.07.2016* has been conceded in the stand of respondents No.1, 4 and 5 which includes the said concerned competent authority (Tehsildar, Gurugram). Still further, the SC certificate dated 14.05.2012 issued in favour of the petitioner, which forms the basis of the issuance of the *SC Certificate dated 11.07.2016* has been vouchsafed by the competent authority. It clearly further emanates from the factual matrix of the case in hand that the requisite domicile certificate was, in fact, uploaded by the petitioner in terms of the advertisement in question. The refuge, sought to be taken by *HPSC*, under *clauses 28, 30 & 26* is actually subterfuge which calls for rejection for justice must not be shackled by the chains of formality.

11.1 The impugned order, whereby the candidature of the petitioner was rejected, was issued on 12.09.2024. The petitioner appears to have got drafted the writ petition in hand on or around 13.09.2024 and the same came up for preliminary hearing before this Court on 18.09.2024 wherein an interim order was extended in favour of the petitioner, permitting her to provisionally participate in the viva-voce. In this factual back drop, it cannot be said that the petitioner's plea can be proscribed as being time barred. Further, it emerged as a common ground between the learned counsel for rival parties during the course of arguments, that pursuant to the interim

**CWP-23835-2024****19**

order dated 18.09.2024 passed by this Court, the petitioner actually appeared for the viva-voce and has achieved the requisite threshold marks for being appointed.

11.2 Keeping in view the entirety of the factual matrix of the case in hand; especially the factum of no fault being attributable to the petitioner in the format (date and registration number) of the requisite SC certificate, the concerned competent authority (Tehsildar, Gurugram) ratifying the veracity of the *SC certificate dated 11.07.2016* of the petitioner, the fault (if any) being solely at the end of the concerned competent authority in issuing the *SC certificate dated 11.07.2016* of the petitioner without a registration number and date, the petitioner pursuing her legal right expeditiously and diligently & the contumacious rationale sought to be employed by *HPSC* for justifying the rejection of the petitioner's candidature; the quashing of the impugned order would serve the cause of complete *nay* substantial and restitutive justice.

12. Before parting with this order, another aspect of the *lis* in hand craves attention. In discharging its role as a litigant, the State (as also its instrumentalities) must adopt a balanced and judicious approach, resisting the temptation to oppose the claims indiscriminately. The State must exercise due diligence in distinguishing between a baseless and a legitimate claim. While it is justified in defending itself against spurious claims, this duty must be discharged with a sense of responsibility. The Constitutional framework envisions the State as a Welfare State, which is inherently obligated to act in the best interest of its citizens. In litigation involving the State and its citizens, this welfare-oriented ethos must guide the State's conduct. Unlike a private litigant, whose sole objective is often to secure a

**CWP-23835-2024****20**

favourable judgment, the State bears a higher responsibility to ensure that justice is served, consistent with the principles of fairness and equity.

The Courts across the legal system — this Court being not an exception — are choked with litigation. Frivolous and groundless dispute(s) constitute a serious menace to the administration of justice. They consume time and clog the overburdened infrastructure. Productive resources, which should be deployed in the handling of genuine causes, are dissipated in pursuing worthless cause(s). In our jurisprudential eco-system, the State is the largest litigant today and the huge expenditure involved makes a big draft on the public exchequer. The present case is an unsoothing illustration of, how litigations are pursued on behalf of the State (*HPSC*, to be more precise, in the case in hand), in a totally mechanical and indifferent fashion. The proceedings reveal a lack of due diligence, reflective of an apathetic approach that undermines the principles of responsible governance & judicial propriety. Such conduct reflects an absence of serious application of mind, resulting in an unwarranted litigation that burdens the judicial system. This tendency can be curbed only if the Courts across the system adopt an institutional approach which penalizes such comportment. The imposition of costs, is a necessary instrument, which has to be deployed to weed out, such an unscrupulous conduct. Ergo, this Court deems it appropriate to saddle *HPSC* with costs, which indubitably ought to be veritable and real time in nature.

Decision

13. In view of the preceding ratiocination, the writ petition in hand is disposed of, in following terms:



CWP-23835-2024

21

(i) The *impugned order* dated 12.09.2024 (whereby the candidature of the petitioner has been rejected by respondent-*HPSC*) is quashed. Respondents are mandated to take, forthwith, requisite consequential steps accordingly.

(ii) *HPSC* is directed to pay to the petitioner costs of Rs.50,000/- within two weeks from today. Exemplary costs of Rs.1,00,000/- is further saddled upon *HPSC* to be deposited in favour of Poor Patient's Welfare Fund PGIMER, Chandigarh within two weeks from today for having wasted precious time of this Court which could have been utilized for hearing & deciding more pressing matters. Liberty is reserved in favour of the *HPSC* to recover the costs, in accordance with law, from the concerned erring Official(s).

(iii) Pending application(s), if any, shall also stands disposed of.

14. The respondent-authorities are directed to file compliance-affidavit(s), in terms of the directions made hereinabove, within four weeks from today, failing which they may invite punitive consequences (as per law) for themselves as also their concerned functionaries. Be put up on 05.05.2025 for consideration of such compliance-affidavit(s).

(SUMEET GOEL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

March 20, 2025
Ajay/Naveen

Whether speaking/reasoned:	Yes
Whether reportable:	Yes