

2026:PHHC:088480



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CWP-4529-2021 (O&M)

Khushpreet Kaur and others

.....Petitioners

versus

Punjab State Power Corporation Ltd. and another

.....Respondents

2) CWP-10386-2025 (O&M)

Bhuvesh Garg

.....Petitioner

versus

Punjab State Power Corporation Ltd. and another

.....Respondents

3) CWP-5626-2021 (O&M)

Mohit Kumar

.....Petitioner

versus

Punjab State Power Corporation Ltd. and others

.....Respondents

1.	Date when judgment was reserved	19.05.2026
2.	Date of pronouncement of judgment	01.07.2026
3.	Date of uploading the judgment	01.07.2026
4.	Whether operative part or full judgment is pronounced	Full
5.	Delay, if any, in pronouncing of full judgment and reasons thereof	Not Applicable

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. D.S. Patwalia, Sr. Advocate
with Mr. Gaurav Rana, Advocate
for the petitioners in CWP-4529-2021.

Mr. Namit Gautam, Advocate
with Mr. Sukhsagar Singh, Advocate
for the petitioner in CWP-10386-2025.

Mr. K.B. Raheja, Advocate
for the petitioner(s) in CWP-5626-2021.

Mr. Sehajbir Singh, Advocate
with Ms. Muskan Gill, Advocate
for the respondents/PSPCL.

HARPREET SINGH BRAR, J.

1. With the consent of all the parties, the aforementioned writ petitions are taken up together and are being decided by this common judgment. However, for the sake of brevity, the facts are taken from CWP-4529-2021.

2. The writ petition (CWP-4529-2021) has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of *Mandamus* directing the respondent-Corporation to consider the candidature of the petitioners under the Economically Weaker Section (General) category for appointment to the post of Revenue Accountant, Lower Division Clerk and Junior Engineers as per their merit in CRA No.293/2019 (Annexure P-1) and CRA No.294/2019 (Annexure P-2). It is further prayed that the respondent-Corporation be directed to accept the EWS reservation certificates/ Income & Assets Certificates issued to the petitioners by the State of Punjab, with a further direction not to raise an objection on the ground that the certificates have been issued after the last date of submission of the applications under CRA No.293/2019 and CRA No.294/2019.

3. In the alternative, it is prayed that a writ in the nature of *Certiorari* be issued for quashing Note 5 of Clause 4 of CRA No.293/2019 (Annexure P-1) and Note 4 of Clause 4 of CRA No.294/2019 (Annexure P-2), whereby the respondent-Corporation has sought for reservation certificates/income & assets certificates which have been issued on or before the last date of online submission of the applications under the aforesaid advertisements.

CONTENTIONS

4. Learned Senior counsel for the petitioners has *inter alia* contended that the respondent-Corporation had issued two advertisements in September 2019, being Advertisement No. CRA 293/2019 (Annexure P-1) for the posts of Lower Division Clerk and Revenue Accountant and Advertisement No.294/2019 (Annexure P-2) for the posts of Junior Engineer (Electrical) and Junior Engineer (Civil). Under both advertisements, the respondents had provided for reservation to EWS (General). However, it was specifically provided that the Income and Asset Certificate should have been obtained prior to the last date of online submission of applications.

5. Learned Senior counsel for the petitioners has further submitted that the petitioners applied under the EWS (General) Category and successfully found their names within the zone of consideration in the final merit list published on the website of the corporation. It is further contended that the State of Punjab, through the Department of Social Justice, Empowerment and Minorities, had issued letters dated 14.05.2019 (Annexure P-3) and 28.05.2019 (Annexure P-4) notifying the reservation criteria for EWS, clarifying that the certificate issued by the Tehsildar shall be valid for the financial year in which it has been issued. In pursuance thereof, the petitioners were issued Income and Asset Certificates on the basis of their Income Tax Returns for the financial year 2018-2019, making them valid for the year 2019-2020. Although, these certificates were issued after the last date of

online submission of applications under CRA No.293/2019 and CRA No.294/2019, they were obtained prior to the document verification and counselling conducted between 19.03.2020 and 20.05.2020. No objections were initially raised for most petitioners, and minor objections against petitioners No. 4 and 5 (Annexure P-19 and P-20) were accepted upon submission of representations (Annexure P-21).

6. Learned Senior counsel for the petitioners has further argued that, upon completion of document verification by the respondents, the petitioners legitimately expected that their candidature would be considered for appointment against the posts for which they had applied under the EWS (General) category. However, the issue concerning the acceptance of Income and Asset Certificates issued after the last date prescribed for submission of applications came to be challenged by certain candidates before this Court in **CWP No.10494 of 2020**, titled '*Jagdeep Mittal and others v. PSPCL*'. In the said writ petition, the respondent-Corporation filed a short affidavit dated 18.07.2023 stating that, in light of the opinion rendered by the learned Advocate General, Punjab-cum-Senior Standing Counsel for PSPCL, the Whole Time Directors of PSPCL, in their meeting held on 07.05.2022, had resolved to consider the candidature of those candidates (other than candidates belonging to the EWS category) who had produced reservation-related certificates issued after the last date for submission of online applications, i.e., 09.11.2019. In view of the aforesaid stand adopted by the respondent-Corporation, the writ petition was disposed of as having been rendered infructuous. The copy of the decision dated 07.05.2022 taken by the Board of Directors of the respondent-Corporation, produced by learned Senior counsel in the Court, is taken on record as Mark 'X'. Registry is directed to tag the same at the appropriate place of the case file.

7. It is further contended that by virtue of the aforesaid decision, only

candidates belonging to the EWS category were excluded from consideration. Learned Senior counsel has also submitted that it is not the case of the petitioner(s) that they applied for issuance of Income and Asset Certificates after the last date prescribed for submission of online applications. Rather, all the petitioners in the present bunch of petitions had applied for issuance of the requisite certificates well before the cut-off date, but the certificates were issued by the competent authority subsequently. He has further argued that the petitioners cannot be made to suffer on account of administrative delays attributable to the issuing authority. It is further submitted that there is no dispute regarding the eligibility of the petitioner(s), and the requisite certificates had been produced before the date fixed for document verification. Learned Senior counsel for the petitioners has also pointed out that the posts against which the petitioners had applied continued to remain vacant under the EWS category. In these circumstances, it is argued that the action of the respondent-Corporation in extending the benefit of consideration to candidates belonging to other reserved categories, while excluding similarly situated candidates falling under the EWS category, fails to satisfy the test of reasonable classification. It is contended that such differential treatment is arbitrary, discriminatory and violative of the guarantee of equality enshrined under Article 14 of the Constitution of India.

8. *Per contra*, learned counsel for the respondents has argued that the petitioners have clearly violated the terms of Note 5 of CRA No.293/2019 (Annexure P-1) and Note 4 of CRA No.294/2019 (Annexure P-2), whereby the respondent-Corporation had categorically stipulated that the reservation certificates/income & assets certificates ought to have been issued on or before the last date of online submission of the applications. Furthermore, the instructions dated 30.10.2020 (Annexure R-3) issued by the Department of Social Justice, Empowerment and Minorities (Reservation Cell), Punjab Government clearly state

as follows:

“6.2 The crucial date for submitting income and asset certificate by the candidate may be treated as the closing date for receipt of application for the post except in cases where crucial date is fixed otherwise.”

9. Moreover, it was contended that the legal position regarding the consequence of not possessing the requisite certificates/documentation before the last date of submission of applications is well settled. This question, specifically qua EWS candidates, came up for consideration before the Hon’ble Supreme Court in *Divya vs. Union of India, 2024(1) SCC 448* wherein it was held that candidates must possess requisite Income and Asset Certificate for the relevant Financial Year before the cut-off date given in the advertisement and the respondent-Commission therein was justified in rejecting candidature of candidates who failed to meet these requirements. Reliance was also placed on the judgement of the Hon’ble Supreme Court in *Mohit Kumar vs. State of Uttar Pradesh and Others, 2025 INSC 704*, wherein it has been held that non-compliance with the terms of advertisement would lead to rejection of the candidature. Furthermore, the Division Bench of this Court in **LPA No.1397 of 2025** titled as ‘*Haryana Public Service Commission vs. Pardeep Kumar and Others*’ has reiterated the aforesaid legal position.

10. However, learned counsel for the respondents could not controvert the fact that all the petitioners in the present bunch of petitions had applied for issuance of the requisite Income & Asset certificates well before the cut-off date, but the same were issued by the competent authority subsequently.

OBSERVATION & ANALYSIS

11. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the respondent-Corporation had issued two recruitment advertisements in September, 2019, i.e. Advertisement No.

CRA 293/2019 (Annexure P-1) for the posts of Lower Division Clerk and Revenue Accountant and Advertisement No. CRA 294/2019 (Annexure P-2) for the posts of Junior Engineer (Electrical) and Junior Engineer (Civil). Under both the advertisements, reservation was provided for various categories, including the Economically Weaker Sections (EWS) category. Admittedly, the last date prescribed for submission of online applications under both advertisements was 09.11.2019.

12. Note 5 of CRA No.293/2019 (Annexure P-1) and Note 4 of CRA No.294/2019 (Annexure P-2) clearly stipulated that the candidates applying under the reserved categories should have obtained their reservation related certificates before the last date of online submission of applications, i.e., 09.11.2019. Furthermore, the instructions dated 30.10.2020 (Annexure R-3) issued by the Department of Social Justice, Empowerment and Minorities (Reservation Cell), Punjab Government clearly state that the crucial date for submitting Income and Asset Certificate by the candidate may be treated as the closing date for receipt of application for the post except in cases where crucial date is fixed otherwise.

13. The legal position regarding the consequences of not possessing the requisite reservation-related certificate as on the last date prescribed for submission of applications stands authoritatively settled by the Hon'ble Supreme Court in *Divya (supra)*. The Hon'ble Apex Court has categorically held that a candidate seeking the benefit of reservation under the EWS category acquires eligibility only if he or she is in possession of a valid Income and Asset Certificate on or before the cut-off date specified in the advertisement. A candidate who does not possess the requisite certificate as on the relevant date cannot claim the benefit of reservation under the EWS category. Consequently, the respondent-Commission therein was held to be justified in rejecting the candidature of those candidates who had submitted their Income and Asset Certificates after the stipulated deadline. The

relevant observations of the Hon'ble Supreme Court in *Divya (supra)* are reproduced hereunder:

“41. It is very clear that an EWS candidate acquired eligibility to be an EWS candidate for the purpose of CSE-2022 only if the candidate met the criterion prescribed by the Central Government and is in possession of the requisite I&AC based on the income for the F.Y. 2020-2021. Read with Rule 28, the candidate should also be in possession of the certificate as on 22.02.2022. So it is beyond cavil that one cannot decide for oneself that the candidate is an EWS candidate and only on the fulfilment of the criteria and the issuance of the certificate before 22.02.2022 will the eligibility as an EWS candidate, enure to the benefit of the candidate for the CSE-2022. The argument of Shri K. Parameshwar, learned counsel, that being from the "EWS" category is a status and the I&AC to be produced is only a proof and as such the I&AC can be produced at any stage cannot be accepted in the teeth of the clear prescription in the Office Memoranda read with the CSE- 2022 Rules. Further, as required under Rule 13, at the stage of DAF-I the document had to be submitted on-line before the prescribed date (in the present case for CSE-2022 the date was 15.07.2022) and that any delay in submission of DAF-I or document beyond the prescribed date was not allowed. These clear stipulations run counter to the submissions of learned counsel that on the rectification of a certificate it relates back to the date of the certificate.

42. The entire burden of the song of the petitioners is that they were eligible EWS candidates and that it was only a delay caused in the production of proof thereof. They repeatedly urge before us the dictum of Krishna Iyer, J., in **Charles K. Skaria (supra)**, namely:-

"...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 handmaid but the mistress and form not as subservient to substance but as superior to the essence."

43. In **Charles K. Skaria (supra)**, most candidates possessed the eligibility viz. the diploma. Only the proof in the form of certificate was awaited. The authorities had also accepted them as eligible, expressly informing the selection committee that for eligible

candidates even if proof came later and before the final selection, it should be considered as valid. This was also equally the situation in Dolly Chhanda (supra), Alok Kumar Singh (supra) and Dheerender Singh Paliwal (supra) where the factual position about the eligibility was not in dispute. Those cases and the cases of that ilk cannot support the petitioners in this case for the purpose of claiming eligibility in CSE-2022 as an EWS candidate.

44. *The meaning of the word "eligible" as defined in P. Ramanatha Aiyar's Advanced Law Lexicon is set out hereunder:-*

"Applied to the selection of persons, the word has two meanings i.e. "legally qualified," or "fit to be chosen."

Applied to our context, a person can be found eligible as an economically weaker section candidate and he can be considered as a fit person to be chosen under that category only if the requirement of the OM of 31.01.2019 and Rule 27(3) read with Rule 28 are fulfilled. *In Gaurav Singh's case (supra), it has been categorically held that assets for the particular Financial Year, prior to the year of submission, goes to the root of eligibility of the candidate in the EWS category. It has been further held therein that the candidates whose I&ACs are not in order did not have any legal right to be considered. It has also been held that no candidate can claim any legal right for reconsideration of the candidature by submitting a fresh certificate and/or a rectified certificate.*

45. **That is the fundamental distinction between the Charles J. Skaria (supra) line of cases and the cases at hand. As pointed out earlier, the eligibility for being categorized as EWS candidate crystallizes only when the I&AC is issued and, in this case, as required under the rules, it was to be issued and possessed by the candidate before 22.02.2022.**

46. **It is also very well settled that if there are relevant rules which prescribe the date on which the eligibility should be possessed, those rules will prevail. In the absence of rules or any other date prescribed in the prospectus/advertisement for determining the eligibility, there is a judicial chorus holding that it would be the last date for submission of the application.** *(See Rekha Chaturvedi v. University of Rajasthan [1993 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]."*

(Emphasis added)

14. However, while dealing with the present controversy in light of the settled legal position stated above, this Court must take note of the peculiar facts

and circumstances of these cases. The impugned advertisements were issued in September 2019, and the last date for the submission of online applications was fixed as 09.11.2019. It must be pointed out that the official notifications/letters regarding the grant of EWS reservation and issuance of Income & Asset certificates pursuant to the 103rd Constitutional Amendment, were issued by the State of Punjab, through the Department of Social Justice, Empowerment and Minorities, only on 14.05.2019 (Annexure P-3) and 28.05.2019 (Annexure P-4). This was approximately six months prior to the cut-off date stipulated under the advertisements.

15. Pursuant to the aforementioned notifications, admittedly, the petitioners applied for the issuance of the requisite Income & Asset certificates on the basis of their Income Tax Returns for the financial year 2018-2019 well before the prescribed cut-off date. However, the certificates, which were valid for the financial year 2019-2020, came to be issued by the competent authorities only after the cut-off date of 09.11.2019.

16. Furthermore, a perusal of the record reveals that the Whole Time Directors of the respondent-PSPCL, in their meeting held on 07.05.2022, had resolved to consider the candidature of candidates belonging to categories other than EWS, who had produced reservation-related certificates issued after the last date for submission of online applications, i.e., 09.11.2019. Thus, by way of the said decision, relaxation was explicitly extended to candidates belonging to other reserved categories such as Ex-servicemen, Scheduled Caste, Backward Caste, Sportsmen, and Freedom Fighters, whereas candidates claiming reservation under the EWS category alone were excluded from its purview. The relevant portion of the decision of the Board of Directors is reproduced hereunder:

“Sub: Regarding considering the candidature of candidates submitting reservation related certificates after last date of Online

application i.e. 09.11.19 in CRA 293/19 & 294-19

The decision taken by the Committee of the Whole Time Directors in its 263rd meeting held on 07.05.2022 at Patiala on the subject cited above is as under:

The Committee of Whole Time Directors after considering the details given in the agenda passed the following resolution: "RESOLVED THAT approval be and is hereby accorded that:-

i. The candidates pertaining to Ex-Serviceman (Self/Dependent), who have provided reservation certificates issued after the last date of apply online i.e 09.11.2019, be accepted for issuance of appointment letters.

ii. The certificates submitted by the candidates pertaining to SC, BC, Sportsmen and Freedom Fighter categories be accepted for issuance of appointment letters subject to the condition that qualification as sportsman or a freedom fighter was accrued to the candidate before the cut-off date.

iii. The decision regarding acceptance of EWS certificates (issued after the last date of online registration) be deferred subject to outcome of Court orders in the ongoing CWPs.

iv. The candidates to whom the appointment letters have already been issued but their joining was withheld due to reservation related certificates after last date of online application be released.

v. The validity of the panel against CRA 293/19 & 294/19 be extended for two months from the date of approval of selection panel only for these candidates (submitting reservation related certificates after last date of Online application i.e. 09.11.19). FURTHER RESOLVED THAT the above approval is subject to ratification of BoDs."

17. In view of the foregoing, this Court is of the opinion that the candidature of the petitioners under the EWS (General) category deserves to be considered in the interests of equity, fairness, and substantial justice. It is an admitted factual position that, pursuant to the notifications/letters dated 14.05.2019 (Annexure P-3) and 28.05.2019 (Annexure P-4) issued by the State of Punjab, the

petitioners had applied for the requisite Income and Asset Certificates well before the prescribed cut-off date of 09.11.2019. Thus, the petitioners had acted with due diligence and had taken all steps that were reasonably expected of them within the stipulated time. The delay in issuance of the certificates thereafter was purely administrative in nature and wholly beyond the control of the petitioners. To deny the petitioners the benefit of reservation in such circumstances would result in manifest injustice, particularly when they had fulfilled all requirements on their part prior to the deadline.

18. This conclusion is further strengthened by the fact that the respondent-Corporation has adopted a differential and selective approach. Pursuant to the decision of its Board of Directors dated 07.05.2022, the respondent-Corporation consciously relaxed the cut-off requirement and considered the candidature of applicants belonging to other reserved categories, including Scheduled Castes, Backward Classes, Ex-servicemen, Sportsmen, and Freedom Fighters, even where the requisite certificates had been issued after 09.11.2019. Having extended such relaxation to candidates belonging to all other reserved categories, the respondent-Corporation cannot, arbitrarily and without any rational basis, deny similar treatment to candidates falling under the EWS category alone. Such a selective denial creates an unreasonable classification that is arbitrary and violative of the Article 14 of the Constitution of India. Therefore, keeping in view the peculiar facts and circumstances of these cases, the action of the respondents in not considering the candidature of the petitioners under the EWS (General) category cannot be sustained.

CONCLUSION

19. In view of the foregoing discussions, all the captioned writ petitions are allowed in the following terms:

- a. *The respondent-Corporation is directed to consider the candidature of the petitioners for appointment against the respective posts under the Economically Weaker Sections (EWS) (General) category in accordance with their merit in CRA No. 293/2019 (Annexure P-1) and CRA No. 294/2019 (Annexure P-2), by accepting the EWS Reservation Certificates/Income and Asset Certificates produced by them.*
 - b. *Needless to say that, in the event the petitioners are found eligible and fall within the zone of consideration, appointment letters shall be issued to them without any undue delay. The petitioners shall be placed at the bottom of the merit list of the respective category and shall be entitled to all consequential notional benefits. However, they shall not be entitled to any arrears of salary for the period during which they did not actually discharge duties. The respondent-Corporation shall complete the aforesaid exercise within a period of six weeks from the date of receipt of a certified copy of this order.*
 - c. *It is, however, clarified that the relief granted herein is confined to the peculiar facts and circumstances of the present cases and shall not be treated as a precedent for any other matter.*
20. Pending miscellaneous application(s), if any, shall also stand disposed of.
21. A photocopy of this order be placed on the file of other connected cases.

(HARPREET SINGH BRAR)
JUDGE

01.07.2026
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No