IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 30099-2018 (O&M)

Rajesh Kumar ....Petitioner

versus

Central University of Punjab, Bathinda and anr. ...Respondents

Date of Reserve: 08.09.2026
Date of Pronouncement: 06.10.2026
Uploaded on:- 07.10.2026

Whether only the operative part of the judgment is pronounced? No
Whether full judgment is pronounced? Yes

CORAM: **HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Anil Sharma, Advocate,
for the petitioner.

Mr. Parvesh K. Saini, Sr. Panel Counsel
for respondent No. 1.

Mr. Arjun Dev, Advocate for Mr. Vivek K. Thakur, Advocate
for respondent No. 3.

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SUDEEPTI SHARMA , J.

1. Challenge in the present writ petition is to appointment of respondent No. 2. Further the petitioner is asking for issuance of direction to respondent No. 1 to appoint him on the post of Executive Engineer being eligible candidate.

2. Brief facts of the case are that respondent No. 1 advertised various non teaching posts on regular basis including one post of Executive Engineer in unreserved category vide advertisement dated 04.02.2018. The last date for applying online application was 24.03.2018, whereas the last date for receiving the duly filled form with enclosures was 02.04.2018. The last date was extended three times by issuing corrigendums and the final last date for online application

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and receiving of hardcopy was extended upto 25.04.2018 and 02.05.2018 respectively.

3. The essential qualification and experience for the post of Executive Engineer is Bachelors Degree in Civil Engineering with a least 55% marks or its equivalent grade of B in the UGC seven-point scale with 10 years of experience in design and systems and construction of buildings, roads, sanitary and water supply systems including maintenance of the same.

4. The petitioner applied online for the post of Executive Engineer within the stipulated period. In response to the above advertisement for the said post, respondent no. 1 received 07 hardcopy of online applications, which were forwarded to Screening Committee. At initial screening, two candidates were declared eligible and one provisionally eligible, subject to submission of experience certificate. Rest of the candidates were declared not eligible. The petitioner was included in the eligible list and respondent Non. 2 was provisionally eligible. The petitioner was served with the interview letter on 31.05.2018. He was intimated to report on 10.06.2018 at 2 P.M. On 10.06.2018, the petitioner went for interview before respondent No. 1 and produced his all documentary evidence for eligibility criteria for the said post. As per eligibility status report issued by respondent No. 1, only two persons were eligible i.e present petitioner and one Deepak Goyal. Respondent no. 2 was held to be only provisionally eligible. Since both petitioner and Deepak Goyal were not selected/appointed and respondent No. 2 was appointed, the petitioner filed the present writ petition challenging the appointment of respondent No. 2.

5. Learned counsel for the petitioner contends that respondent No.2 should not have been shown as provisionally eligible in the list of candidates, since the eligibility is required as per Clause 25 of advertisement, wherein it is

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specifically written that University shall not be responsible for any postal delay. The applications received late, incomplete or without signature, fee and other enclosures will be summarily rejected. He. therefore, contends that respondent No.1 has wrongly allowed the application and experience certificate of respondent No.2 and selected him.

6. To support his arguments, learned counsel relies upon judgment passed by Hon'ble the Supreme Court in I***.A. No.5-8 in Civil Appeal Nos.8343-8344 of 2011 titled as Bedanga Talukdar Vs. Saifudaullah Khan & Ors,*** decided on 28.09.2011 and the judgment passed by the Madhya Pradesh High Court in ***WP No.536 of 2020 titled as Reena Dubey Vs. The State of M.P. and another*** decided on 26.08.2019. He, therefore prays that the present petition be allowed.

7. Per contra, learned counsel for respondent No.1 argues on the lines of written statement filed by him. He, therefore prays that the present petition be dismissed.

8. Learned counsel for respondent No.2 submits that experience of respondent No.2 pertains to the year 2007 and it is reflected in e-mail sent by respondent No.1. He, therefore, contends that respondent No. 2 has been rightly selected/appointed. To support his arguments, he relies upon the judgment passed by this Court in ***CWP-23835-2024 tilted as Divya Kalia Vs. State of Harayana and others, decided on 20.03.2025***. He, therefore prays that the present petition be dismissed.

9. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

10. A perusal of the file shows that initially eligibility list was uploaded on the official website of respondent No. 1 for inviting representations from the

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candidates regarding their eligibility status upto 29.05.2018. In response to initial eligibility status, one representation alongwith three documents was received from respondent no. 2 i.e Sh. Saurabh Gupta. The three documents are annexed as Annexure R-1 to R-3-A along with written statement of respondent No. 1. After considering the representation of Sh. Saurabh Gupta-respondent No. 2, the Screening Committee found him eligible and prepared final eligibility list, wherein 3 candidates were declared eligible (Annexure P-3). Respondent No. 1 issued call letter to all three eligible candidates for interview to be held on 10.06.2018. Out of the three candidates, the name of Sh. Saurabh Gupta-respondent No. 2. was recommended by the Selection Committee for appointment and no waiting list/panel was prepared.

11. A perusal of the file further shows that in the eligibility status, which is placed on record as Annexure P3, name of Sh. Saurabh Gupta-respondent No. 2 is at Sr. No. 7 and against the column of eligible/non eligible, it was written as 'Provisionally Eligible' and against the column of "Remarks by the Screening Committee", it was written as "Subject to submission of experience certificate". Further there is note which is at the bottom of the list that "Candidates having objections/claim about their rejection/ineligibility are requested to submit their representations with relevant documentary proof up to 29.05.2018 through email at recruitment@cup.edu.in. and further that no representations will be entertained thereafter in this regard.

12. After respondent No. 2 was shown provisionally eligible, he submitted his response and supplied the experience certificate online through email on 28.05.2018, which is attached as Annexure R-2/2 with the written statement filed by respondent No. 2. A perusal of Annexure R-2/1 shows that Sh. Saurabh Gupta-respondent No. 2 is also holding Post-Graduation certificate

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whereas the petitioner is simple graduate.

13. A perusal of eligibility status (Annexure P3) shows that it is not the final merit list nor is it prepared on the basis of merit secured by the candidates but it is prepared on the basis of ID numbers of the candidates. Further the petitioner is relying upon Annexure P-3 which is the eligibility status to contend that he is fully eligible and Sh. Saurabh Gupta-respondent No. 2 was provisionally eligible. Sh. Saurabh Gupta-respondent No. 2 submitted his experience certificate, which was considered by the selection committee and he was found to be eligible and suitable by respondent No. 1.

14. A perusal of Annexure R-5 attached with the written statement of respondent No. 2 shows that in the report of screening committee, it was written that 5 days time be given to Not Eligible and Provisional Eligible candidates to defend their eligibility. A perusal of Annexure R-6 attached with the written statement of respondent No. 2 shows that there is note at the bottom that "Candidates be granted time to submit their representations/objections with relevant documentary proof up to 29.05.2018 through email at recruitment@cup.edu.in. And that no further representations will be entertained thereafter in this regard. Sh. Saurabh Gupta-respondent No. 2 submitted his experience certificate on 28.05.2018 within the stipulated time, as granted vide Annexure R6. Thereafter, Sh. Saurabh Gupta-respondent No. 2 was interviewed.

15. A perusal of Annexure R-6 attached with the written statement of respondent No. 2 shows that the same are proceedings of the meeting of selection committee, which shows that three candidates were interviewed i.e petitioner, Deepak Goyal and Saurabh Gupta-respondent No. 2 and after interview, the Selection Committee after taking into consideration their academic record, experience and independent evaluation of experts, selected

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Saurabh Gupta-respondent No. 2 for the post of Executive Engineer.

16. Now coming to the judgments relied upon by learned counsel for the petitioner to support his arguments.

17. Hon'ble the Supreme Court in case of I***.A. No.5-8 in Civil Appeal Nos.8343-8344 of 2011 titled as Bedanga Talukdar Vs. Saifudaullah Khan & Ors,*** decided on 28.09.2011 held that 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.

18. Madhya Pradesh High Court in ***WP No.536 of 2020 titled as Reena Dubey Vs. The State of M.P. and another*** decided on 26.08.2019, held that in public employment, the eligibility of a candidate is judged on the strength of credentials/documents filed along with the application form by the last date. Submission of essential documents after the deadline is not permissible unless explicitly allowed by the Rules.

19. Both the above referred to judgments would not be helpful in the case of the petitioner, since the selection committee in the present case itself had given note at the bottom of Annexure R6 that candidates having objections/claim about their rejection/ineligibility are requested to submit their representations with relevant documentary proof up to 29.05.2018 through email at recruitment@cup.edu.in. and that no further representations will be entertained thereafter in this regard.

20. It is not the case of the petitioner that only respondent No. 2 was granted time to submit his documents, since as per Annexure P3 which is status of eligibility/ineligibility of the candidates, all the candidates were granted time

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to submit their objections/representations.

21. Further as per written statement, respondent No. 2 is more qualified than the petitioner, which is not disputed by him. And there is nothing on record to show any *malafide* against the petitioner on the part of selection committee who chose respondent No. 2-Saurabh Gupta for the post of Executive Engineer instead of petitioner.

22. In view of the above, I do not find any merit in the present writ petition. Therefore, the same is dismissed.

23. Pending application (s) if any also stands disposed of.

October 06, 2026 **(SUDEEPTI SHARMA)**
Gaurav Arora **JUDGE**

Whether speaking/reasoned ***Yes***
Whether reportable ***No***

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