



[2025:RJ-JD:35948-DB]

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



D.B. Spl. Appl. Writ No. 169/2025

The Rajasthan Public Service Commission, Through Its
Secretary, Ajmer.

----Appellant

Versus

1. Lavanshu Sankhla S/o Pushpendra, Aged About 23 Years, Inside Nagori Gate, Vijay Chowk, Sakhla Bhawan, Jodhpur, (Rajasthan).
2. The Secretary, Department Of Home, Government Of Rajasthan, Secretariat, Jaipur.
3. The Director Of Prosecution, Department Of Home, Government Of Rajasthan, Secretariat, Jaipur.

----Respondents

Connected With

D.B. Spl. Appl. Writ No. 130/2025

The Rajasthan Public Service Commission, Through Its
Secretary, Ajmer.

----Appellant

Versus

1. Kumkum Jodha D/o Laxman Singh Jodha, Aged About 23 Years, Sajjan Magan, 215, Hanwant B Street No 19, B.j.s. Colony, Jodhpur, (Rajasthan).
2. The Secretary, Department Of Home, Government Of Rajasthan, Secretariat, Jaipur.
3. The Director Of Prosecution, Department Of Home, Government Of Rajasthan, Secretariat, Jaipur.

----Respondents

D.B. Spl. Appl. Writ No. 135/2025

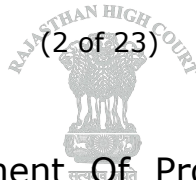
Rajasthan Public Service Commission, Through Its Secretary.

----Appellant

Versus

1. Mansi Vyas D/o Vijay Shankar Vyas, Aged About 23 Years, Brahmpuri Chowk Mohallah, Choongrah, Near Laxmninath Bhandar, Bikaner, Rajasthan.
2. State Of Rajasthan, Through The Additional Chief





Secretary, Department Of Prosecution, Government Of Rajasthan, Jaipur, Raj.

3. Home Department, Through Its Additional Chief Secretary, Government Of Rajasthan, Jaipur, Rajasthan.

----Respondents

D.B. Spl. Appl. Writ No. 244/2025

1. The Rajasthan Public Service Commission, Through Its Chairman, Ajmer.
2. The Secretary, Rajasthan Public Service Commission, Ajmer.

----Appellants

Versus

Shivangi Pathalk D/o Tej Prakash Pathak, Aged About 22 Years,
D-226 Sushant City, Pali Road, Jodhpur.

----Respondent

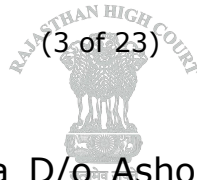
D.B. Spl. Appl. Writ No. 279/2025

1. Rajasthan Public Service Commission, Through Its Chairman, Ajmer.
2. The Secretary, Rajasthan Public Service Commission, Ajmer.

----Appellants

Versus

1. Rohit Prajapati S/o Bal Krishana Prajapati, Aged About 22 Years, R/o 58-A, Ladha Colony, Ratanada, Jodhpur.
2. Dewal Kumari D/o Girdhari Ram, Aged About 23 Years, R/o Saran Nagar, Digadi Kallan, Jodhpur.
3. Shubham Bhati S/o Balkishan Bhati, Aged About 23 Years, R/o Shardapuram Nagaur, Rajasthan.
4. Divya Tanwar D/o Prakash Tanwar, Aged About 23 Years, R/o Purani Gannai, Bikaner.
5. Lavish Bhati S/o Mahendra Pratap Bhati, Aged About 23 Years, R/o Bhati Billa, Nayadarwaja, Kakku Valo Ki Pol, Nagaur, (Raj.).
6. Asish Dangra S/o Goverdhan Singh, Aged About 30 Years, R/o 5, Chand Dairy Ke Pass, Gandhi Nagar, Dhola Bhatta, Ajmer.



7. Vipashyana Sharma D/o Ashok Sharma, Aged About 23 Years, R/o Q-2, Shivaji Nagar, Jalore.
8. Pushpendra Sharma S/o Mahesh Krishan Sharma, Aged About 24 Years, R/o Post Bassi Jaipur.
9. Pooja Choudhary D/o Rajendra Choudhary, Aged About 23 Years, R/o Vishvakarma Nagar, Opp. Shiv Cold Store, Behind Bhadwasiya, Jodhpur.
10. Moxita Verma D/o Mahendra Verma, Aged About 24 Years, R/o 2-188 Mp Colony, Bangla Nagar, Bikaner.
11. State Of Rajasthan, Through The Secretary, Department Of Law And Legal, Government Of Rajasthan, Jaipur, Raj.

-----Respondents

D.B. Spl. Appl. Writ No. 631/2025

Rajasthan Public Service Commission, Through Its Secretary.

-----Appellant

Versus

1. Prasiddhi Jain D/o Pradeep Kumar Jain, Aged About 26 Years, R/o Naugama, Banswara, Rajasthan.
2. State Of Rajasthan, Through The Additional Chief Secretary, Department Of Prosecution, Government Of Rajasthan, Jaipur (Raj.).
3. Home Department, Through Its Additional Chief Secretary, Government Of Rajasthan, Jaipur, Rajasthan.

-----Respondents

D.B. Spl. Appl. Writ No. 789/2025

Rajasthan Public Service Commission, Through Its Secretary, Ajmer.

-----Appellant

Versus

1. Shivani Puri D/o Hari Kishan Goswami, Aged About 24 Years, R/o 28-B Vayu Vihar Colony, Jhalamand Circle, Jodhpur, Rajasthan.
2. State Of Rajasthan, Through The Additional Chief Secretary, Department Of Prosecution, Government Of Rajasthan, Jaipur, Raj.
3. Home Department, Through Its Additional Chief Secretary, Government Of Rajasthan, Jaipur, Rajasthan.





----Respondents

D.B. Spl. Appl. Writ No. 823/2025

1. The Rajasthan Public Service Commission, Through Its Chairman, Ajmer.
2. The Secretary, Rajasthan Public Service Commission, Ajmer.

----Appellants

Versus

1. Harshit Sharma S/o Shri Promod Kumar, Aged About 24 Years, R/o Kushal Sadan, Plot No. 13, Imratiya Bera, Paota C Road, Jodhpur (Raj.).
2. Harshit Vyas S/o Shri Jeetendra Vyas, Aged About 23 Years, R/o Nathawato Ki Gali, Tapi Bawari, Jodhpur, Raj.

----Respondents

For Appellant(s)	:	Mr. Khet Singh Rajpurohit Mr. Veeram Singh
For Respondent(s)	:	Mr. B.L. Bhati, AAG with Mr. Sukhdev Sharma, AGC Ms. Abhilasha Bora, AGC Mr. Pravin Vyas Ms. Khushbu Choudhary Mr. Dheeraj Jangid

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE BIPIN GUPTA

Order

Reportable

12/08/2025

1. Brief facts of the case are that Rajasthan Public Service Commission issued an advertisement dated 07.03.2024 for the recruitment of Assistant Prosecution Officer under Rajasthan Prosecution Subordinate Service Rules, 1978 ('Rules of 1978'), to fill 181 vacancies. The selection process was notified in two stages: a preliminary examination followed by a written main



examination. The dispute was regarding the date by which candidates must have qualified the required eligibility criterion of an LLB degree, as prescribed in the advertisement.

2. Learned counsel for the appellant-RPSC has drawn attention of this Court towards a column in the advertisement, which is quoted as below:



अनिवार्य शैक्षणिक योग्यता :

(1) Degree in Law (Professional) or integrated Law Course from a University established by law in India.

(2) Working knowledge of Hindi written in Devnagri Script and knowledge of Rajasthani dialects and social customs of Rajasthan.

Note:

1. अभ्यर्थी को वांछित शैक्षणिक अर्हता (शैक्षणिक योग्यता, अनुभव व आयु इत्यादि) होने पर ही online ओनलाईन आवेदन करना चाहिये तथापि आयोग द्वारा अभ्यर्थी को ऑनलाईन आवेदन पत्र की अनुमत संशोधन तिथि तक ऑनलाईन आवेदन पत्र को प्रत्याहरित (Withdrawal) विज्ञावल करने का विलम्प उपलब्ध होगा।

2. असत्य एवं गलत सूचना के आधार पर आवेदन करना तथा अर्हता नहीं होने पर भी उसे प्रत्याहरित (Withdrawal) विज्ञावल नहीं किया जाना भारतीय दंड संहिता (IPC) की 1182 के तहत दण्डनीय अपराध है। ऐसे अभ्यर्थी को कालान्तर में dkamUlfyhax@ik त्रता tkap@lk क्षात्कार के दौरान अपात्र किये जाने पर उन्हें आगामी एक वर्ष की अवधि के लिए भर्ती परीक्षाओं से विवर्जित (Debar) किया जाएगा।

2.1. Learned counsel has further drawn attention of this Court towards the following columns in the advertisement, which reads as follows:-

आवेदन अवधि	दिनांक 14.03.2024 से दिनांक 12.04.2024 रात्रि 12.00 बजे
आवेदन प्रक्रिया	1. उक्त पद हेतु ऑनलाईन आवेदन पत्र भरने से पूर्व सर्वप्रथम अभ्यर्थी आयोग की वेबसाइट https://rpsc.rajasthan.gov.in पर उपलब्ध ऑनलाईन आवेदन पत्र भरने के सम्बन्ध में दिये गये दिशा-निर्देशों . (Instructions for Applicants) अंग्रेजी में विस्तृत विज्ञापन एवं सम्बंधित सेवा नियम का अध्ययन आवश्यक रूप से कर लें। तदुपरान्त ही अभ्यर्थी ऑनलाईन आवेदन करें। <u>आयोग की वेबसाइट पर उपलब्ध अभ्यर्थियों के लिए दिशा – निर्देश (Instructions for Applicants) अंग्रेजी में विज्ञापन का ही भाग / हिस्सा माना जायेगा।</u>



2.2. Learned counsel has further taken this Court to the corrigendum dated 19.11.2024 issued by the Rajasthan Public Service Commission, Ajmer, the English translation of which reads as under:

"Press-note

Date: 19.11.2024

Rajasthan Public Service Commission, Ajmer

The Commission proposes to conduct the Assistant Prosecution Officer Home Department (Prosecution) Competitive (Preliminary) Examination, 2024 on 19.01.2025.

As per the conditions mentioned in the advertisement issued for the said examination, an opportunity is being provided to make online corrections in the name, photo, father's name, date of birth and gender of the candidate from 20.11.2024 to 28.11.2024. Candidates seeking correction can make online corrections in the application form of the concerned examination by depositing a fee of Rs. 500/ through e-mitra/online banking and by logging in through the Apply Online Link available on the Commission's online portal <http://rpsc.rajasthan.gov.in> or by logging in from the SSO Portal and selecting the Recruitment Portal available in Citizen Apps (G2C).

Use only the option of online correction for the said exam. Offline corrections will not be accepted. The above mentioned online correction opportunity is only a convenience for the benefit of the candidates. Corrections will be valid only in accordance with the eligibility conditions mentioned in the advertisement issued for the exam. The conditions of the advertisement will remain as before. In case of any technical difficulty regarding the above correction, you can contact recruitmenthelpdesk@rajasthan.gov.in by e-mail or on phone no. 9352323625 and 7340557555.

Also, candidates who have applied online despite not possessing the educational qualification/experience as per the advertisement, action can be taken against such candidates under Section 217 of the Bhartiya Nyaya Sanhita and to debar them from the upcoming recruitment examination of the Commission. Therefore, such candidates can also withdraw their online application form by logging on to the SSO Portal from 20.11.2024 to 26.11.2024, selecting the Recruitment Portal and clicking



on the Withdraw Button available in front of the concerned examination under My Recruitment Section."

2.3. Learned counsel has also taken this Court to Rule 12 of the Rules of 1978, which is reproduced as under:-

"12. Academic qualifications and experience. - A candidate for direct recruitment to the posts enumerated in the schedule shall in addition to such experience as is required possess.

(i). The qualifications given in column 4 of the schedules.

(ii). Working knowledge of Hindi written in Devnagri script and any one of the Rajasthan dialects."

2.4. Learned counsel thereafter submits that since the advertisement itself prescribed for a last date therefore, the relaxation beyond the last date was not permissible and has wrongly been granted by the learned Single Bench. He submits that last the date was 12.04.2024 whereas all other qualifications have been obtained around August, 2024.

2.5. Learned counsel has referred to the judgments rendered by the Hon'ble Apex Court in **Sakshi Arha Vs. The Rajasthan High Court & Ors.**: 2025 SC 463 and **Ashok Kumar Sonkar Vs. Union of India (UOI) & Ors.**: 2007(4) SCC 54. Relevant paragraphs of the said judgments are reproduced as under:-

Sakshi Arha Vs. The Rajasthan High Court & Ors.

"27. On the subject of absence of last date to showcase their eligibility by a candidate apropos their equivalent claim, this Court clarified the correct position of law in its decision in [Bhupinderpal Singh and Others v. State of Punjab and Others](#), where, while upholding the view taken by High Court of Punjab and Haryana, held that the



eligibility criteria for candidates aspiring (2000) 5 SCC 262 public employment shall be determined pertaining to the cut-off date as outlined in the applicable rules of their respective service. In case the rules are silent, the decisive date is, ideally, indicated in the advertisement for recruitment. However, in case of absence of specifications in both context, the eligibility is to be adjudged in lieu of the last date of submission of applications before the concerned authority or institute. This, thereby, ensures a clear temporal reference point for evaluating qualifications of a candidate as per the concerned advertisement.

28. This derivation of the position of law was from the decision of this Court in [Rekha Chaturvedi \(Smt\) v. University of Rajasthan and Others](#) wherein the Bench explicitly observed that the proposition of assessing a candidate's qualification with reference to the date of selection, as opposed to the last date of applications is untenable and must be unequivocally dismissed. The indeterminate nature of the date of selection renders it impracticable for applicants to ascertain whether they meet the prescribed qualifications, particularly if such qualifications are yet to be attained. The relevant paragraph is reproduced as follows:

"10. The contention that the required qualifications of the candidates should be examined with reference to the date of selection and not with reference to the last date for making applications has only to be stated to be rejected. The date of selection is invariably uncertain. In the absence of knowledge of such date the candidates who apply for the posts would be unable to state whether they are qualified for the posts in question or not, if they are yet to acquire the qualifications. Unless the advertisement mentions a fixed date with reference to which the qualifications are to be judged, whether the said date is of selection or otherwise, it would not be possible for the candidates who do not possess the requisite qualifications in praesenti even to make



applications for the posts. The uncertainty of the date may also lead to a contrary consequence, viz., even those candidates who do not have the qualifications in praesenti and are likely to acquire them at an uncertain future date, may apply for the posts thus swelling the number of applications. But a still worse consequence may follow, in that it may leave open a scope for malpractices. The date of selection may be so fixed or manipulated as to entertain some applicants and reject others, arbitrarily. Hence, in the absence of a fixed date indicated in the advertisement/notification inviting applications with reference to which the requisite qualifications should be judged, the only certain date for the scrutiny of the qualifications will be the last date for making the applications. We have, therefore, no hesitation in holding that when the Selection Committee in the present case, as argued by Shri Manoj Swarup, took into consideration the requisite qualifications as on the date of selection rather than on the last date of preferring applications, it acted with patent illegality, and on this ground itself the selections in question are liable to be quashed. Reference in this connection may also be made to two recent decisions of this Court in **A.P. Public Service Commission, Hyderabad v. B. Sarat Chandra** [(1990) 2 SCC 669 : 1990 SCC (L&S) 377 : (1990) 4 SLR 235 : (1990) 13 ATC 708] and **District Collector & Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagaram v. M. Tripura Sundari Devi** [(1990) 3 SCC 655 : 1990 SCC (L&S) 520 : (1990) 4 SLR 237 : (1990) 14 ATC 766].”

29. This is now well-accepted, licit with clarification, also reiterated in **Ashok Kumar Sonkar** (supra), and was accepted as recently as in the decision of this Court in **Divya v. Union of India and Others**, while dealing with



crystallisation of right of EWS through issuance of Income and Asset Certificate, as issued by the competent authority.

34. Moreover, the decisions of this Court have cleared the air of any doubt that the claim made by a candidate while filling his or her application as per the concerned advertisement are to hold good as on the date of his or her application or as per the last date of submission of applications prescribed by the concerned advertisement.

36. The Subsequent Notice, which was issued by the Rajasthan High Court on 04.08.2022, cannot be said to be arbitrary or without any basis. It specified that the certificate belonging to the concerned reserved category should have been issued prior or upto 31.08.2021 i.e. the last date of receipt of the application in pursuance to the Advertisement. This was because the Advertisement required a candidate to possess eligibility upto the cut-off date. As regards the specifications regarding a certificate issued between 31.08.2018 and 30.08.2020 along with the affidavit is concerned, this was based on the Government Circulars dated 09.09.2015 and 08.08.2019 (reproduced above) which clarified that the certificate issued will be valid for one year extendable by three years with affidavit. Thus, the Subsequent Notice issued was in consonance with law and as per the Advertisement, applicable Rules, instructions and circulars issued by the competent authority. The plea of the appellants is unsustainable and deserves to be rejected. No relaxation can be granted in the given facts and circumstances of the case nor can it be claimed as a matter of right in the absence of any such discretionary clause in the Advertisement/Rules/Instructions."

Ashok Kumar Sonkar Vs. Union of India (UOI) & Ors.

"6. The question as to what should be the cut-off date in absence of any date specified in this behalf either in the advertisement or in the reference is no longer res integra. It would be last date for filing application as would appear from the discussions made hereinafter. The question came up for consideration, inter alia, before a 3-Judge Bench of this Court in Ashok Kumar Sharma and Another etc. v.



Chander Shekher and Another etc. [(1993) Supp. (2) SCC 611], wherein Thommen, J. speaking for himself and Ramaswami, J. opined :

"13. It is true Rule 37 is in terms applicable only to Public Service Commission candidates and due notice of provisional entertainment of their application, subject to their passing examination before the date of interview, is a requirement peculiar to Rule 37 and is not applicable to the present case.

14. If the principle of Rule 37 is by analogy applicable, the fact that notice of provisional entertainment of applications, subject to passing of the examination before the date of interview, is a requirement in the interests of candidates who fell within that category. The appellants are by analogy persons of that category, but they have no complaint on any such ground.

15. The fact is that the appellants did pass the examination and were fully qualified for being selected prior to the date of interview. By allowing the appellants to sit for the interview and by their selection on the basis of their comparative merits, the recruiting authority was able to get the best talents available. It was certainly in the public interest that the interview was made as broad based as was possible on the basis of qualification. The reasoning of the learned Single Judge was thus based on sound principle with reference to comparatively superior merits. It was in the public interest that better candidates who were fully qualified on the dates of selection were not rejected, notwithstanding that the results of the examination in which they had appeared had been delayed for no fault of theirs. The appellants were fully qualified on the dates of the interview and taking into account the generally followed principle of Rule 37 in the



State of Jammu & Kashmir, we are of opinion that the technical view adopted by the learned Judges of the Division Bench was incorrect and the view expressed by the learned Single Judge was, on the facts of this case, the correct view. Accordingly, we set aside the impugned judgment of the Division Bench and restore that of the learned Single Judge. In the result, we uphold the results announced by the recruiting authority. The appeal is allowed in the above terms. However, we make no order as to costs."

Sahai, J., however, gave a dissenting note, stating :

"The notification, therefore, provided not, only, the conditions which a candidate was required to possess when applying for the post mentioned in the notification but he was also required to support it with authenticated certificate and if he failed to do so then the application was not liable to be entertained. In legal terminology where something is required to be done and the consequences of failure to do so are also provided then it is known as mandatory. The mandatory character of possessing the requirements as provided in the first part of the notification stands further strengthened from the third and last part of the notification which prohibited the candidates from applying if they did not possess the requisite qualifications. In view of these clear and specific conditions laid down in the advertisement those candidates who were not possessed of the B.E. qualifications were not eligible for applying nor their applications were liable to be entertained nor could they be called for interview. Eligibility for the post mentioned in the notification depended on possessing the qualification noted against each post. The expression, shall be possessed of such qualifications, is indicative of both the mandatory character of the requirement and its operation in praesenti. That is a candidate must not only have been qualified but he



should have been possessed of it on the date the application was made. The construction suggested by the learned counsel for the appellant that the relevant date for purposes of eligibility was the date of interview and not the date of application or July 15, 1982 the last date for submission of forms is not made out from the language of the notification. Acceptance of such construction would result in altering the first part of the advertisement prescribing eligibility on the date of applying for the post as being extended to the date of interview. If it is read in the manner suggested then the requirement that incomplete applications and those not accompanied by the requisite certificates shall not be entertained, shall become meaningless. Purpose of filing certificate along with application was to prove that the conditions required were satisfied. Non-filing of any of the certificates could have resulted in not entertaining the application as the requirements as specified would have been presumed to be non-existent. Fulfilment of conditions was mandatory and its proof could be directory. The former could not be waived or deferred whereas the defect in latter could be cured even subsequently. That is proof could be furnished till date of interview but not the eligibility to apply for the post. Any other construction would further be contrary to the last part of the notification."

11. Possession of requisite educational qualification is mandatory. The same should not be uncertain. If an uncertainty is allowed to prevail, the employer would be flooded with applications of ineligible candidates. A cut-off date for the purpose of determining the eligibility of the candidates concerned must, therefore, be fixed. In absence of any rule or any specific date having been fixed in the advertisement, the law, therefore, as held by this Court would be the last date for filing the application."



2.6. Learned counsel for the appellant has also referred to the followings judgments rendered by the Hon'ble Apex Court:

(i). **Mrs. Rekha Chaturvedi (Smt) Vs. University of Rajsthan & Ors:** 1993 AIR (SCW) 1488, relevant portion of which reads as follows:-

"6.However, for the reasons which follow, we are not inclined to set aside the selections in spite of the said illegality. The selected candidates have been working in the respective posts since February 1985. We are now in January 1993. Almost eight years have elapsed. There is also no record before us to show as to how the Selection Committee had proceeded to weigh the respective merits of the candidates and to relax the minimum qualifications in favour of some in exercise of the discretionary powers vested in it under the University Ordinance. If the considerations which weighed with the Committee in relaxing the requisite qualifications were valid, 'it would result in injustice to those who have been selected. We, however, feel it necessary to emphasise and bring to the notice of the University that the illegal practices in the selection of candidates which have come to light and which seem to be followed usually at its end must stop forthwith. it is for this purpose that we lay down the following guidelines for the future selection process:

A. The University must note that the qualifications it advertises for the posts should not be at variance with those prescribed by its ordinance/Statutes.

B. The candidates selected must be qualified as on the last date for making applications for the posts in question, or on the date to be specifically mentioned in the advertisement/notification for the purpose. The qualifications acquired by the candidates after the said date should not be taken into consideration, as that would be arbitrary and result in discrimination. It must be remembered that when the advertisement/notification



represents that the candidates must have the qualifications in ques-

tion, with reference to the last date for making the applications or with reference to the specific date mentioned for the purpose, those who do not have such qualifications do not apply for the posts even though they are likely to acquire such qualifications and do acquire them after the said date. In the circumstances, many who would otherwise be entitled to be considered and may even be better than those who apply, can have a legitimate grievance since they are left out of consideration.

C. When the University or its Selection Committee relaxes the minimum required qualifications, unless it is specifically stated in the advertisement/notification both that the qualifications will be relaxed and also the conditions on which they will be relaxed, the relaxation will be illegal.

D. The University/Selection Committee must mention in its proceedings of selection the reasons for making relaxations, if any, in respect of each of the candidates in whose favour relaxation is made.

E. The minutes of the meetings of the Selection Committee should be preserved for a sufficiently long time, and if the selection process is challenged until the challenge is finally disposed of. An adverse inference is liable to be drawn if the minutes are destroyed or a plea is taken that they are not available."

(ii). ***Alka Ojha Vs. Rajasthan Public Service Commission and Anr.***: 2011(9) SCC 438, relevant portion of which reads as under:-

"15. Unfortunately, the learned Single Judge decided the writ petitions without even advertng to Rule 11, the relevant entries of the Schedule and paragraph 13 of the advertisement and issued direction which amounted to amendment of the Rules framed under [Article 309](#) of the Constitution. This was clearly impermissible. Therefore, the Division Bench of the High Court rightly set aside the



direction given by the learned Single Judge, which facilitated appointment of the petitioners despite the fact that they were not eligible to be considered for selection.”

(iii). **Bhupinderpal Singh & Ors. Vs. State of Punjab & Ors.:**

2000(5) SCC 262, relevant paragraphs of which are reproduced as under:-

"Placing reliance on the decisions of this Court in [Ashok Kumar Sharma Vs. Chander Shekhar & Anr. JT](#) 1997 (4) SC 99; [A.P. Public Service Commission Vs. B. Sarat Chandra & Ors.](#) 1990 (4) SLR 235; The Distt. [Collector and Chairman, Vizianagaram \(Social Welfare Residential School Society\) Vizianagaram and Anr. Vs. M. Tripura Sundari Devi](#) 1990 (4) SLR 237; [Mrs. Rekha Chaturvedi Vs. University of Rajasthan & Ors. JT](#) 1993 (1) SC 220; [Dr. M.V. Nair Vs. Union of India & Ors.](#) 1993 (2) SCC 429; and [U.P. Public Service Commission, U.P., Allahabad & Anr. Vs. Alpana JT](#) 1994 (1) SC 94, the High Court has held (i) that the cut off date by reference to which the eligibility requirement must be satisfied by the candidate seeking a public employment is the date appointed by the relevant service rules and if there be no cut off date appointed by the rules then such date as may be appointed for the purpose in the advertisement calling for applications; ii) that if there be no such date appointed then the eligibility criteria shall be applied by reference to the last date appointed by which the applications have to be received by the competent authority. The view taken by the High Court is supported by several decisions of this Court and is therefore well settled and hence cannot be found fault with. However, there are certain special features of this case which need to be taken care of and justice done by invoking the jurisdiction under [Article 142](#) of the Constitution vested in this Court so as to advance the cause of justice.

In view of several decisions of this Court relied on by the High Court and referred to herein above, it was expected of the State Government notifying the vacancies to have clearly laid down and stated the cut off date by reference to which the applicants were required to satisfy their eligibility. This



was not done. It was pointed out on behalf of the several appellants/petitioners before this Court that the practice prevalent in Punjab has been to determine the eligibility by reference to the date of interview and there are innumerable cases wherein such candidates have been seeking employment as were not eligible on the date of making the applications or the last date appointed for receipt of the applications but were in the process of acquiring eligibility qualifications and did acquire the same by the time they were called for and appeared at the interview. Several such persons have been appointed but no one has challenged their appointments and they have continued to be in public employment. Such a loose practice, though prevalent, cannot be allowed to be continued and must be treated to have been put to an end. The reason is apparent. The applications made by such candidates as were not qualified but were in the process of acquiring eligibility qualifications would be difficult to be scrutinised and subjected to the process of approval or elimination and would only result in creating confusion and uncertainty. Many would be such applicants who would be called to face interview but shall have to be returned blank if they failed to acquire requisite eligibility qualifications by the time of interview. In our opinion the authorities of the State should be tied down to the principles governing the cut off date for testing the eligibility qualifications on the principles deducible from decided cases of this Court and stated herein above which have now to be treated as the settled service jurisprudence."

(iv). **U.P. Public Service Commission U.P., Allahabad & Anr. Vs. Alpna: 1994 AIR (SC) 423**, relevant paragraphs of which reads as under:-

"3. As already pointed out, on a plain reading of the advertisement pursuant to which she had made the application, it is obvious that she was required to possess the degree of Bachelor of Laws on the last date fixed for receipt of applications which was August 20, 1988. This becomes clear from the requirement of production of an



attested copy of the law degree examination certificate and mark sheet thereof. A candidate who had not passed the law degree examination before August 20, 1988 would obviously not be in a position to comply with this requirement. Admittedly, she did not comply with this requirement and had stated in her application that on the last date fixed for receipt of the applications, i.e. August 20, 1988, she did not possess the degree of Bachelor of Laws, but that she had appeared at such examination and was awaiting the result. The result was declared sometime in October 1988. She was also permitted to appear at the written test held by the Public Service Commission but as she did not receive any intimation in regard to the oral test she moved the High Court by way of writ petition and obtained an interim order directing the Public Service Commission to interview her at the interviews to be held on 15th and 16th of July 1991. In obedience to that order the Public Service Commission interviewed her, but kept her result in abeyance, which was declared after the writ petition was finally disposed of by the impugned order of March 17, 1993. By the final order the High Court not only directed the Public Service Commission to declare the result but further directed that her name should be forwarded to the Government for appointment and the Government should, if necessary, create a supernumerary post and appoint her thereon. In taking this view, the High Court placed reliance on two of its earlier judgments as well as the judgment of this Court in [Ashok Kumar Sharma v. Chander Shekher](#) dated December 18, 1992. Therefore, in order to examine the correctness or otherwise of the conclusion reached by the High Court we deem it necessary to briefly refer to this Court's decision in the case of Ashok Kumar Sharma.

6. In the facts of the present case we fail to appreciate how the ratio of [the said decision](#) of this Court can be attracted. The facts of this case reveal that the respondent was not qualified to apply since the last date fixed for receipt of applications was August 20, 1988. No rule or practice is



shown to have existed which permitted entertainment of her application. The Public Service Commission was, therefore, right in refusing to call her for interview. The High Court in Writ Petition No. 1898 of 1991 mandated the Public Service Commission to interview her but directed to withhold the result until further orders. In obedience to the directive of the High Court the Public Service Commission interviewed her but her result was kept in abeyance. Thereafter, the High Court while disposing of the matter finally directed the Public Service Commission to declare her result and, if successful, to forward her name for appointment. The High Court even went to the length of ordering the creation of a supernumerary post to accommodate her. This approach of the High Court cannot be supported on any rule or prevalent practice nor can it be supported on equitable considerations. In fact there was no occasion for the High Court to interfere with the refusal of the Public Service Commission to interview her in the absence of any specific rule in that behalf. We find it difficult to give recognition to such an approach of the High Court as that would open up a flood of litigation. Many candidates superior to the respondent in merit may not have applied as the result of the examination was not declared before the last date for receipt of applications. If once such an approach is recognised there would be several applications received from such candidates not eligible to apply and that would not only increase avoidable work of the selecting authorities but would also increase the pressure on such authorities to withhold interviews till the results are declared, thereby causing avoidable administrative difficulties. This would also leave vacancies unfilled for long spells of time. We, therefore, find it difficult to uphold the view of the High Court impugned in this appeal."

3. Learned counsel for the respondents however, submits that the controversy zeroes down to the paragraph 1 of the application process in the advertisement, which laid down that instructions for



the applicants available on website shall form a part of the advertisement. The relevant portion of the website instructions reads as follows:-

“ 2. पद की अर्हता, परीक्षा, वेतनमान एवं नियुक्ति के लिए अयोग्यता सम्बंधी सामान्य दिशा-निर्देश :- शैक्षणिक योग्यता व अनुभव :- आयोग द्वारा जारी विज्ञापन में अंकित शैक्षणिक योग्यता व अनुभव विज्ञापन में निर्धारित तिथि तक अभ्यर्थी द्वारा अर्जित होना चाहिए।

— परन्तु यह कि पाठ्यक्रम के अंतिम वर्ष की परीक्षा, जो सीधी भर्ती के लिए नियमों या अनुसूची में यथा उल्लिखित पद के लिए अपेक्षित शैक्षणिक अर्हता है, में सम्मिलित हुआ या सम्मिलित हो रहा है, वाला व्यक्ति पद के लिए आवेदन करने हेतु पात्र होगा,”

3.1. Learned counsel for the respondents submits that for submitting the online applications, portal of the RPSC was open and there was an option for the candidates who have been pursuing their LLB final year examination, and that is why online form of the respondent-candidates were accepted.

3.2. Learned counsel for the respondents has relied upon the following judgments:-

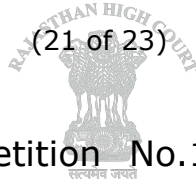
(i). ***The State of Tamil Nadu & Ors. Vs. G. Hemalathaa & Anr.*** passed by Hon'ble Apex Court in Civil Appeal No.6669 of 2019 (arising out of SLP(C) No.14093 of 2019).

(ii). ***Union of India Vs. Jagdish Chandra Jat*** passed by learned Division Bench of this Court in D.B. Civil Writ Petition No.12323 of 2020, decided on 19.08.2021.

(iii). ***Rameshwar Choudhary & Ors. Vs. The State of Rajasthan & Anr.*** Passed by a learned Single Bench of this Court in S.B. Civil Writ Petition No.13295/2024, decided on 11.09.2024.

(iv). ***Dayaram Vs. R.P.S.C. Ajmer*** passed by learned Single Bench of this Court at Jaipur Bench in S.B. Civil Writ Petition No.20172/2012 and other connected matters, decided on 15.07.2014.

(v). ***Kuldeep Jaiman Vs. The State of Rajasthan & Ors.*** passed by learned Single Bench of this Court at Jaipur Bench



in S.B. Civil Writ Petition No.13115 of 2021 and other connected matters, decided on 14.02.2024.

4. Heard learned counsel for the parties, perused the documents presented, and considered the precedents cited at the Bar.

5. This Court observes that the controversy arising in the instant appeal essentially pertains to the eligibility of candidates who had appeared in the final year of LL.B examination in 2024 but obtained their degrees subsequent to the last date of application, i.e., 12.04.2024.

6. This Court further observes that while the appellant-RPSC has relied on the settled principle that eligibility must be determined with reference to the last date of submission of applications, the respondents have placed reliance upon the corrigendum dated 19.11.2024 as well as the online instructions uploaded on the Commission's portal, which specifically permitted candidates "appearing" in the final year to apply.

7. This Court, after hearing learned counsel for the parties, finds that the present controversy has a very narrow compass. The judgments rendered by Hon'ble Apex Court in **Sakshi Arha (supra)** and **Ashok Kumar Sonkar (supra)** are applicable only in cases where there is no specification or clarification regarding the last date for filing the qualification details. The qualification requirement is set out in Rule 12 of the Rules of 1978, which has already been reproduced above. In the present case, the advertisement did specify the last date, but at the same time, the website instructions clearly outlined the eligibility criteria for



candidates, specifically the requirement of an LL.B degree. It is also not disputed by the RPSC that the appearing candidates were those who could not complete their degree in the very year they appeared for the examination.

8. At this juncture it is pertinent to highlight that the Constitution Bench of the Hon'ble Supreme Court in ***Tej Prakash Pathak & Ors. v. Rajasthan High Court & Ors. (Civil Appeal No. 2634 of 2013, decided on 07.11.2024)***, held that while administrative instructions may supplement statutory rules where they are silent, no departure from or dilution of the procedure prescribed in the extant rules is permissible once the recruitment process has commenced. However, in the present case, it cannot be said that there was any midstream change of the "rules of the game". On the contrary, the corrigendum dated 19.11.2024 and the online instructions explicitly formed part of the original advertisement itself, thereby clarifying at the outset that "appearing" candidates would be treated as eligible. The ratio of ***Tej Prakash Pathak(supra)*** thus fortifies the view that where the rules are supplemented by contemporaneous instructions issued before commencement of the process, such stipulations must be treated as binding and integral to the advertisement.

9. The learned Single Judge has duly considered all the relevant judgments as well as the factual situation emerging in the present case. This Court is of the firm opinion that once there is a clear stipulation on the official website of the RPSC that candidates "appearing" in a particular year, i.e. 2024, would be treated as



eligible, and it is further not in dispute that all such candidates completed their LL.B in the same year 2024, there remains no justification for denying them eligibility within the stipulated time.

It is further observed that the perspective of the official website of the RPSC giving details of the examination could have been relevant for non consideration only in a situation where such stipulation ran into direct contravention with the statutory rules.

In the present case, however, there is no such direct contravention. The judgments of Hon'ble Apex Court relied upon by the appellants only lay down guidelines in situations where the advertisement is silent or ambiguous regarding the cut-off date for qualifications. In the present case, however, the advertisement itself categorically states that the website instructions shall constitute an integral part of the advertisement, and once so incorporated, the advertisement itself must be deemed to have attracted the proviso regarding eligibility of "appearing" candidates. Therefore, this Court finds no cause for interference in the impugned order.

10. Consequently, the special appeals are ***dismissed***.

(BIPIN GUPTA),J

(DR.PUSHPENDRA SINGH BHATI),J

46-53-nirmala/-