

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 11792/2025

Harsh Kumar S/o Shri Sushil Kumar, Aged About 22 Years, R/o
Dhani Bhandor Rewari, Haryana-123101

-----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary,
Department Of Information Technology And
Communication Yojna Bhawan, Tilak Marg, C-Scheme,
Jaipur- 302005.
2. Rajasthan Public Service Commission (Rpsc), Through Its
Chairman, Ghooghra Ghati, Ajmer- 305001.

-----Respondents

For Petitioner(s)	:	Mr. Tanveer Ahamad with Mr. Mohd Kasim Khan
For Respondent(s)	:	Mr. Jaswant Persoya Mr. Basant Singh Chhaba, AAG with Mr. Rahul Gupta

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

25/02/2026

1. Instant writ petition is filed with following prayer:-

1. Issue an appropriate writ, order or direction to the inaction & omission of respondents in not considering the petitioner's candidature in pursuant to the advertisement dated 25.01.2024 (Annexure-1) as illegal and unsustainable and accordingly direct the respondents to consider the candidature of the Petitioner for selection and appointment to the post of Programmer in view of his marks secured as 140.33 marks which is more than cut off

marks under UR category which is only 139.94 and his eligibility qualification.

2. The brief facts giving rise to the present writ petition are that the RPSC (respondent No.2 herein) has invited applications for recruitment to the post of Programmer in the respondent No.1-Department. The petitioner filed an application form and was further short-listed after the written examination as he secured 140.33 marks in the written examination. After document verification on 01.04.2025, the name of the present petitioner was not found in the final result dated 23.06.2025, but persons securing lesser marks than the petitioner were found place in the merit list.

3. The counsel for the petitioner, while placing reliance upon the judgment in the case of **Haryana Staff Selection Commission Vs. Priyanka & Ors. Etc., M.A. Nos. 539-563 of 2022 in Civil Appeal Nos. 5065-5095 of 2021**, has submitted that the reason for non-inclusion of the petitioner is that the RPSC permitted final year candidates to apply for the post of Programmer pursuant to advertisement dated 25.01.2024, but also provided that the final result had to be declared before 27.10.2024. Learned counsel has further submitted that the University from where the petitioner has obtained the qualification degree issued the complied result on 20.12.2024, but the final year (8th Semester) result was declared on 04.07.2024, well before the cut-off date. He further submitted that a clarification was sought from the University and same is placed on record, which is sufficient to support the case of the present petitioner that the result of the petitioner is effective from 04.07.2024 and not from 20.12.2024. He also submitted that the

material on record clearly indicate that the petitioner passed the final year semester on 06.07.2024, and the degree is deemed to have been issued with effect from 06.07.2024.

4. Aforesaid contentions were opposed by the learned AAG appearing on behalf of respondent No.1-Department and the learned counsel appearing on behalf of respondent No.2-RPSC. It is submitted that the certificate and degree produced by the petitioner indicate that the result was prepared and published on 20.12.2024 and the same is after the cut-off date, as permitted by RPSC. He also submitted that the provisional permission to appear in examination, granted to the petitioner cannot be treated as an example to defeat the provision as mentioned in the advertisement.

5. Heard learned counsel for the parties and perused the material placed on record.

6. The only issue is what would be treated as the date of passing B-Tech (Electronics and Communication Engineering) from Maharishi Dayanand University (MDU), Rohtak (Haryana).

7. Admittedly, respondent No.2-RPSC invited applications for recruitment to the post of Programmer and allowed the candidature of all those students who are appearing in the final year/final semester of the qualifying exam, subject to passing out before the date of the competitive examination. The examination was held on 27.10.2024, and the petitioner secured 140.33 marks in the written examination and was provisionally short-listed for document verification. During document verification, the petitioner submitted a provisional certificate issued by Maharishi Dayanand

University, Rohtak (Haryana), which indicated that the consolidated result was prepared on 20.12.2024. The respondents, noticing the fact of declaration of consolidated result, as per the mark-sheet and also the certificate, prepared on 20.12.2024, disqualified the petitioner.

8. Now, the petitioner has placed on record a certificate dated 26.03.2025 to show that he passed B-Tech (all semesters) on 06.07.2024, though the consolidated result was prepared on 20.12.2024. A certificate dated 10.11.2025, which is reproduced as under, also indicates that the petitioner qualified for award of the degree of B-Tech (Electronics and Communication Engineering) as on the said date, i.e., 06.07.2024:-

TO WHOM IT MAY CONCERN

This is to certify that Mr. Harsh Kumar, S/o Sh. Sushil Kumar, has appeared in the B.Tech (Electronics & Communication Engineering)-8th Semester Examination held in May 2024, bearing Roll No.1013817 and Registration No.2018381120 and obtained 4079 marks out of 5550.

After thorough verification of records, it is confirmed that Mr. Harsh Kumar successfully passed all semesters of the B.Tech. programme on 06.07.2024 and is qualified for the award of the Degree of Bachelor of Technology (Electronics & Communication Engineering) as on the said date i.e. 06.07.2024.

9. Herein, the material on record indicate that the course structure is divided into 8 semesters and the petitioner passed 8th Semester on 06.07.2024, but due to administrative delay at the

University, the result was not collated till December, 2024. Only after collation, the result was prepared on on 20.12.2024. After 06.07.2024, neither was there any project work nor any coursework, pending on the part of the petitioner. The petitioner or the candidate(s) who passed out 8th Semester on 06.07.2024 were not required to attend any day except for collection of the degree and collated mark-sheet, to be issued by the office of the University.

10. In the case of **Haryana Staff Selection Commission Vs. Priyanka & Ors. etc. (supra)**, Hon'ble Supreme Court observed that the Haryana Staff Selection Commission took an entirely unjustified view by ignoring provisional/confidential result even when they were duly verified by the University. This approach of the Commission was not approved by the High Court and the view was emphatically affirmed by the Hon'ble Supreme Court.

11. Herein this case, it is apparent that the final semester was cleared by the petitioner on 06.07.2024 and he was eligible for award of the degree on 06.07.2024. Thus, the issue could have been clarified from the University; instead of seeking clarification from the University, the respondents did not included the petitioner in the final selected list, which amounts to discrimination against the petitioner.

12. A person securing 139.94 marks was included in the select list, whereas the petitioner secured 140.33 marks. The petitioner obtained the qualification as per the terms of the advertisement, and ignoring and rejecting the candidature is not justified for any reason. Thus, the petitioner has been able to make out a case for

interference by this Court. This Court has already kept vacant one post in the Unreserved Category, subject to the final outcome of the writ petition.

13. In view of discussion made herein above, the writ petition is hereby allowed and the respondents are directed to consider the candidature of present petitioner for the post of Programmer on the basis of certificate dated 10.11.2025 issued by the Maharishi Dayanand University, Rohtak (Haryana), whereby it has been certified that the petitioner has passed all semesters of B.Tech on 06.07.2024 and qualified for the award of degree of Bachelor of Technology (Electronics & Communication Engineering) on said date 06.07.2024, in the category for which the petitioner is eligible for appointment pursuant to advertisement dated 25.01.2024. The respondents are directed to consider appointment to the petitioner strictly on the basis of merit position within a period of 90 days from the date of receipt of copy of this order.

14. Accordingly, the writ petition and misc. application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J