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W.P. No.39107/2024

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

WRIT PETITION No. 39107 of 2024

SMT. AARADHNA BUJ

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Prasanna R. Bhatnagar - learned counsel for the petitioner.

Ms. Drishti Rawal - learned Govt. Advocate for the respondent No. 1/State.

Shri Vindhyavashini Prasad Khare - learned counsel for the respondent No.2.

Reserved on : 12/01/2026

Post on : 21/01/2026



ORDER

The present writ petition under Article 226 of the Constitution of India has been filed by the petitioner seeking a direction to the respondents, particularly Respondent No.2 (Madhya Pradesh Public Service Commission (PSC)), to accept her documents beyond the prescribed cut-off date and to consider her candidature for appointment to the post of Assistant Professor (Botany) pursuant to Advertisement No. 17/2022 dated 30/12/2022.

2. It is the case of the petitioners that she belongs to Scheduled Tribe category possessing the requisite educational qualifications including clearing of State Eligibility Test (SET-2022), rendering her eligible for appointment to the post of Assistant Professor (Botany).

3. It is further contended by the petitioner that respondent No.2 issued an Advertisement No.17/2022 dated 30/12/2022 inviting applications for appointment to 126 posts of Assistant Professor (Botany). The petitioner submitted her online application on 12/04/2024 and appeared in the written examination conducted on 09/06/2024. The result was declared on 04/10/2024, wherein the petitioner was placed at Serial No.353 in the provisional merit list. Along with the result specific instructions were issued requiring provisionally selected candidates to submit their documents for verification on or before



25/10/2024, failing which their candidature would stand cancelled. The said period was extended twice, first with late fees of Rs.3,000/- and thereafter with late fees of Rs.25,000/- extending the final cut-off till 11/11/2024.

4. Further, the petitioner did not submit her documents either within the original period or within the extended periods. Subsequently, she submitted a representation dated 25/11/2024 citing her ill health as the reason for non-submission of documents which was rejected. Aggrieved thereby, the present writ petition was filed. By an interim order dated 16/12/2024, the petitioner was permitted to participate in the interview subject to final outcome of the petition.

5. Learned counsel for the petitioner contended that the petitioner is fully qualified and has successfully cleared the written examination, and therefore deserves consideration for appointment. It is argued that the petitioner was suffering from Mixed Connective Tissue Disease (MCTD), which prevented her from checking the result and submitting documents within time. Hence, the delay was neither deliberate nor intentional.

6. It is further submitted that since the Commission itself extended the last date multiple times on payment of late fees, the cut-off date cannot be treated as rigid or mandatory. Reliance has been placed on **Vashist Narayan Kumar v. State of Bihar & Others, 2024 SCC**



OnLine SC 2 , 2024 (1) MPLJ 328, to contend that technicalities should not defeat substantive rights of a meritorious candidate. It is also contended that since the petitioner was permitted to appear in the interview by interim order and her result has been kept in sealed cover, denial of appointment would cause grave injustice.

7. *Per contra*, respondent No.2 (PSC) has contended that it is merely a recruiting agency and that the entire selection process is governed strictly by the terms and conditions of the advertisement and the instructions issued thereunder. It is submitted that the result dated 04/10/2024 clearly stipulated that all requisite documents were to be submitted on or before 25/10/2024, failing which the candidature of the concerned candidate was liable to be cancelled. Despite such an unequivocal stipulation, the petitioner failed to submit the documents within the prescribed time, even though two extensions were granted on payment of substantial late fees.

8. It has further been submitted that the petitioner remained inactive for a considerable period of about 37 days, i.e. from 04/10/2024 to 11/11/2024, and did not take any steps to comply with the requirements within the stipulated or extended time. Even thereafter, the petitioner merely submitted a representation without enclosing any contemporaneous medical evidence to demonstrate that she was suffering from such incapacity during the relevant period as would have



prevented her from submitting the documents in time. According to Respondent No.2, the explanation now sought to be offered is an afterthought and does not inspire confidence.

9. In support of its submissions, Respondent No.2 has placed reliance on the judgments of the Hon'ble Supreme Court and High Courts in **Thahira P. v. Administrator, Union Territory of Lakshadweep, (2018) 6 SCC 446; T. Jayakumar v. A. Gopu, (2008) 9 SCC 403; Secretary, UPSC v. S. Krishna Chaitanya, AIR 2011 SC 3101; State of Rajasthan v. Hitendra Kumar Bhatt, (1997) 6 SCC 574; Public Service Commission v. Arvind Chauhan, (2009) 9 SCC 135; the Full Bench judgment in Rajendra Patel v. State of U.P., AIR 2015 Allahabad 161**, as well as various judgments of this Court including **Ashif Hussain Khan v. State of M.P. WP 1499/2011 order dated 15/02/2011 (Bench at Indore)** to contend that adherence to timelines in recruitment is mandatory, sympathy has no role in such matters, and participation in the selection process pursuant to an interim order does not create any vested or enforceable right in favour of a candidate.

10. Heard both parties at length and examined the entire record available.

11. At the outset, it is necessary to examine the governing conditions of the recruitment process. Advertisement dated 30/12/2022 (Annexure



R/2-1) issued by Respondent No.2 contains “अन्य निर्देश” which are not merely procedural but mandatory in nature and binding upon every applicant. Clause 1 and 5 of “अन्य निर्देश” are reproduced verbatim as under:

“1. विज्ञापन के संदर्भ में समस्त आवश्यक सूचनाएँ, संशोधन आयोग की वेबसाइट www.mppsc.mp.gov.in पर उपलब्ध करवाई जाती हैं। अतः समस्त अभ्यर्थी आयोग की वेबसाइट का नियमित रूप से अवलोकन करें तथा उपलब्ध सूचनाओं का लाभ ली आयोग द्वारा इस संदर्भ में प्राप्त ई-मेल / पत्राचार / दूरभाष संदेश के संबंध में कोई कार्यवाही नहीं की जाएगी।”

“5. विज्ञापन के संदर्भ में आवश्यक सूचनाएँ, परीक्षा के परिणाम केवल आयोग की वेबसाइट www.mppsc.mp.gov.in एवं रोजगार और निर्माण समाचार-पत्र में प्रकाशित किए जाएंगे। अभ्यर्थी द्वारा ऑनलाइन आवेदन-पत्र भरते समय दिए गए E-mail Address तथा मोबाइल नम्बर पर E-mail तथा SMS द्वारा आवश्यक होने पर सूचना दी जा सकेगी। अभ्यर्थी आवश्यक सूचनाओं हेतु ऑनलाइन आवेदन-पत्र पर विहित स्थान पर अपने E-mail Address तथा मोबाइल नम्बर का अनिवार्यतः उल्लेख करें तथा आयोग की वेबसाइट का निरन्तर अवलोकन करते रहें।”

12. A conjoint reading of the above clauses leaves no scope for ambiguity. The responsibility to regularly monitor the Commission’s website for all information relating to the advertisement, amendments, results and further instructions is solely upon the candidate. The Commission has categorically disclaimed any obligation to act upon emails, correspondence or telephone communications. In effect, the advertisement creates a statutory obligation upon the candidate, and once the petitioner chose to participate in the selection process with open eyes, she is deemed to have accepted these conditions in toto. It is



a settled principle that terms of an advertisement are sacrosanct and cannot be diluted by judicial interpretation.

13. The Hon'ble Supreme Court in **Thahira P. v. Administrator, Union Territory of Lakshadweep, (2018) 6 SCC 446**, has held that once a candidate participates in a selection process governed by specific conditions, she is bound by them and cannot later seek relaxation on equitable grounds. The relevant portion of paragraph 16 of the judgment may be read as under:

16. There also must be some adherence to the timelines held out to all candidates. In the present case, all the candidates were informed that if they had any objection to the check-list, they should file an objection before 1 p.m. on 26-5-2011. Kadeeja did not file her objection within the prescribed time. As such, the Administration was fully justified in not considering her objection or rejecting it as being beyond the prescribed time. Adherence to such time-limits, if not strictly followed, can again lead to uncertainties particularly if other candidates also start raising objections after the cut-off date and providing some justification for the delay. In such circumstances, the process of selection would get bogged down and unduly prolonged which would neither serve the interest of the institution concerned nor the management of affairs of the institution.

14. It is also pertinent to note that the Allahabad High Court in **Rajendra Patel v. State of U.P., 2015 SCC OnLine All 9063 : AIR 2015 All 161 : (2016) 118 ALR 576 : ILR (2015) 2 All 1010** has taken



a similar view. In that case, the Court held that:-

21. For these reasons, we hold that where the Commission requires the submission of a hard copy of the online application together with all accompanying documents by a prescribed last date and has clearly placed the candidates on notice of the fact that an application which is submitted beyond the last date together with the prescribed documents would result in the invalidation of the candidature, the condition which has been imposed by the Commission would have to be scrupulously observed. It would not be open to the Court to hold that notwithstanding such a clear condition, an application which has not been received by the last date should be entertained. The Commission has given an option to candidates of submitting their applications in the hard copy by either of the two modes, namely by registered post or by personal delivery. A candidate who has opted for one of the two modes, is required to comply with the condition that all the requisite four stages are completed within the time stipulated. The reference is answered accordingly. The petition shall now be placed before the regular bench for disposal in the light of the reference answered.

15. Moreover, This Court is of considered opinion that the result declared on 04/10/2024 (Annexure P/4) was accompanied by Appendix-1, which specifically laid down the procedure and timeline for submission of documents for interview. Clause 5 thereof is of decisive importance and is reproduced verbatim: -

“05/ साक्षात्कार हेतु अर्ह अभ्यर्थी विज्ञापन अनुसार वांछित अपनी अर्हता संबंधी समस्त दस्तावेज उपरोक्त परिशिष्ट प्रपत्र-01 अनुसार क्रम में प्रमाण-



पत्रों की प्रमाणित / स्वप्रमाणित छायाप्रति संलग्न कर अभ्यर्थी अपना नाम, अनुक्रमांक, पृष्ठ क्रमांक एवं संलग्न दस्तावेज के कुल पृष्ठों की संख्या स्पष्टतः अंकित कर दिनांक 25/10/2024 तक आयोग कार्यालय प्रेषित करें। डाक विभाग या अन्य किसी माध्यम से प्रेषित किए गए अभ्यर्थियों के दस्तावेज आयोग कार्यालय में विलंब से प्राप्त होने पर आयोग जिम्मेदार नहीं होगा न ही इस संबंध में कोई पत्र व्यवहार मान्य किया जाएगा। अतः अभ्यर्थी निर्धारित तिथि तक अपने दस्तावेज आयोग कार्यालय भेजना सुनिश्चित करें। जिन अभ्यर्थियों के दस्तावेज अंतिम तिथि तक प्राप्त नहीं होंगे उनके विषय में यह माना जाएगा कि वे साक्षात्कार में भाग नहीं लेना चाह रहे हैं, उनकी उम्मीदवारी निरस्त कर आयोग द्वारा नियमानुसार कार्यवाही की जाएगी। ”

16. The language used in the above clause is peremptory, mandatory and self-executory. The consequence of non-submission of documents by the stipulated date is clearly spelled out that the candidate shall be deemed unwilling to participate in the interview and their candidature shall stand cancelled, followed by action as per rules. The clause further records that the Commission shall not be responsible for delay caused by postal or any other mode and that no correspondence shall be entertained in this regard. Thus, the cut-off date is not flexible, discretionary or subject to individual hardship. The petitioner admittedly failed to submit her documents within the prescribed time period. Even after extensions were granted with late fees, the petitioner did not comply with the timeline. Once the final date expired, the Commission became *functus officio* in so far as the petitioner's candidature was concerned.

17. Furthermore, the petitioner has sought to justify her default on the ground of illness. This Court is unable to accept such contention for



more than one reason. Firstly, the advertisement and Appendix-1 do not contain any clause enabling relaxation of the document verification schedule on medical or personal grounds. In absence of a statutory provision, no equity can be imported by judicial fiat. Secondly, recruitment to public posts is governed by the principles of certainty, transparency and equal opportunity. Granting relaxation to one candidate on personal grounds would necessarily result in discrimination against other candidates who complied with the schedule despite their own difficulties.

18. In the case of Bedanga Talukdar v. Saifudaullah Khan, (2011) 12 SCC 85 : (2011) 2 SCC (L&S) 635 : 2011 SCC OnLine SC 1325

the Hon'ble Supreme Court held that appointments to public office must strictly follow the advertised selection procedure and no relaxation can be granted unless power is expressly provided in the rules or advertisement, failing which it would violate Articles 14 and 16. The relevant operative paragraphs read as under:-

29. We have considered the entire matter in detail. 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 cannot be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved. Such a 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 equality contained in Articles 14 and 16 of the Constitution of India.

30. A perusal of the advertisement in this case will clearly show that there was no power of relaxation. In our opinion, the High Court committed an error in directing that the condition with regard to the submission of the disability certificate either along with the application form or before appearing in the preliminary examination could be relaxed in the case of Respondent 1. Such a course would not be permissible as it would violate the mandate of Articles 14 and 16 of the Constitution of India.

19. This Court is further of the view that the petitioner was permitted to participate in the interview only on account of an interim order passed by this Court. It is well-settled that participation in a selection process under the protection of an interim order does not confer any vested or equitable right upon the candidate. The Hon'ble Supreme Court has consistently held that a candidate who participates in a



selection process pursuant to an interim order does so at her own risk, and if she ultimately fails on merits, no relief can be granted merely because she was allowed to appear in the interview. In **State of Rajasthan v. Hitendra Kumar Bhatt, (1997) 6 SCC 574 : 1997 SCC (L&S) 1744 (at p. 576)**, the Hon'ble Supreme Court has reiterated this settled legal position as:-

6. Looking to the clear terms of the advertisement which we have referred to above, the respondent was not eligible for consideration. It is submitted by the respondent before us that since he has been continued and has now been confirmed we should not disturb his appointment. He has requested that his case should be considered sympathetically. The fact, however, remains that the appellants have taken the correct stand right from the beginning. The respondent's application was not considered and he was not called for an interview. It was on account of interim orders which were obtained by the respondent that he was given appointment and continued. He was aware that his appointment was subject to the outcome of his petition. One cannot, therefore, take too sympathetic a view of the situation in which the respondent finds himself. A cut-off date by which all the requirements relating to qualifications have to be met, cannot be ignored in an individual case. There may be other persons who would have applied had they known that the date of acquiring qualifications was flexible. They may not have applied because they did not possess the requisite qualification on the prescribed date. Relaxing the prescribed requirements in the case of one individual may, therefore, cause injustice to others.



20. The case law relied upon by the petitioner, **Vashist Narayan Kumar v. State of Bihar (supra)**, is distinguishable and does not apply to the facts of the present case. In **Vashist Narayan Kumar v. State of Bihar (supra)** the error was purely clerical, involving incorrect recording of the date of birth which conferred no advantage, the appellant had successfully completed the selection process, and the State did not treat the lapse as serious; therefore, the Supreme Court held that candidature can be cancelled only after careful scrutiny of the gravity of the lapse and not for trivial omissions, invoking the principle *de minimis non curat lex*. In the present case, however, the petitioner's failure is not a trivial error but a clear violation of the mandatory timeline prescribed by the Respondents for submission of documents, which was a condition of the advertisement and the result. The petitioner did not submit the documents within the stipulated period, thereby breaching the terms of the recruitment process. Hence, the ratio of **Vashist Narayan Kumar v. State of Bihar (supra)** is not applicable to the present case.

21. This Court, upon the submissions advanced by Mr. Khare on behalf of Respondent No. 2 (M.P. Public Service Commission) finds that the selection process for the post in question had already been duly concluded and the result finalized in July, 2025, whereafter the recommendations were forwarded to the State Government for issuance of appointment orders. The Court is of the considered opinion that once



a selection process has attained finality in accordance with the applicable statutory recruitment rules, the same ought not to be unsettled at a belated stage, particularly at the instance of a petitioner who has been found to be ineligible and who participated in the selection process only by virtue of an interim order of this Court. No illegality, arbitrariness or violation of statutory provisions has been demonstrated so as to warrant interference with the concluded selection. Any direction to reopen or disturb the finalized process would not only be contrary to settled principles of law but would also adversely affect the rights of candidates duly selected in accordance with law. Accordingly, this Court finds no merit in the contention raised by the petitioner in this regard.

22. From the foregoing analysis, this Court finds that the petitioner was under a clear, continuous and unequivocal obligation to remain vigilant and to regularly monitor the official website of the Public Service Commission for all updates relating to the recruitment process, including the declaration of result and instructions for submission of documents. The advertisement as well as Appendix-1 appended to the result dated 04/10/2024 expressly stipulated a mandatory time-frame for submission of documents and clearly provided the consequences of non-compliance. Despite having adequate notice and sufficient opportunity, including extensions granted by the Commission, the petitioner failed to submit her documents within the prescribed period.



23. Moreover, the plea of medical incapacity, in absence of any enabling provision for relaxation under the advertisement or recruitment rules, cannot be accepted as a legally sustainable ground to override mandatory conditions governing public recruitment. The Commission, therefore, acted strictly in conformity with the terms of the advertisement and the instructions issued thereunder.

24. This Court is further of the considered view that any interference at this stage would amount to rewriting or diluting the conditions of the advertisement, which is impermissible in law. Public employment must be regulated by certainty, uniformity and adherence to prescribed timelines so as to ensure equal opportunity to all eligible candidates. Granting individual relaxation on equitable or sympathetic considerations would not only violate the settled principles of service jurisprudence but would also set an unhealthy precedent, eroding the sanctity of the recruitment process. Consequently, the petitioner has failed to make out any case warranting exercise of extraordinary jurisdiction under Article 226 of the Constitution of India.

25. This Court finds that the interim order dated 16/12/2024 was purely conditional, permitting acceptance of documents and participation in the interview subject to deposit of Rs.25,000/- and expressly made the result subject to final disposal of the writ petition. The said interim order conferred no vested right upon the petitioner and,



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upon dismissal of the petition on merits, stands merged with and disposed of in terms of the present Order.

26. For the reasons stated above, the writ petition is hereby **dismissed** being devoid of merit.

27. Pending applications, if any, shall be **disposed of** accordingly.

(Jai Kumar Pillai)
Judge

Aiyer*PS