

him in the written test.

The facts, which have emerged from the record of the case, are that in pursuance to an advertisement got issued by respondent no. 2, applications were invited for recruitment of 700 posts of Computer Faculty, on contractual basis. As per the advertisement, applications were to be made online and the selection process included a written test followed by counseling. It was clearly stipulated in the advertisement that the venue, date and time of the counseling would be available on the website. In pursuance to the above advertisement, the petitioner applied online for consideration of his candidature under the 'Freedom Fighter Grand Children' category. Thereafter, the petitioner appeared in the written test and on the declaration of the results thereof, was declared to have qualified the same. Vide public notice dated 05.10.2012 (Annexure P-7), the public at large was informed that the counseling for the the 'Freedom Fighter Grand Children' category would be conducted on 13.10.2012 and that further information could be obtained by checking the website of the respondent Department. The petitioner states that on 13.10.2012, he appeared in the counseling at the given time and venue, but he was informed that the counseling for the 'Freedom Fighter Grand Children' category would be later, for which information would be given through another public notice, but through notice Annexure P-8, candidates with lower marks than the petitioner had been asked to appear for counseling on

13.03.2013 and when the petitioner saw this notice, he immediately contacted respondent no. 2 and lodged his protest, but when such protests were not adhered to, he filed a written representation with respondent no. 2, through which his grievance was highlighted. Receiving no satisfactory response from respondent no. 2, the petitioner has approached this Court through the present writ petition for the reliefs, as mentioned above.

I have heard learned counsel for the parties and with their able assistance, have also gone through the record of the case.

Vide public notice dated 05.10.2012 (Annexure P-7), all concerned, including the petitioner, were put to notice that counseling for the 'Freedom Fighter Grand Children' category would be conducted on 13.10.2012 and that further information with regard to counseling could be obtained by checking the website of the Department. The website of the Department contained the information that the candidates, who had applied under the 'Freedom Fighter Grand Children' category and who had secured 39.75 marks to 48 marks, were required to appear for counseling in Government Model Senior Secondary School, Phase 3B1, Mohali, on 13.10.2012, from 09:00 A. M. to 05:00 P.M. It was specifically provided in this public notice that the candidates, who do not appear as per the above mentioned date, place and time, for counseling, their claim shall be rejected and they shall not be considered for the post of Computer Faculty. The public notice referred to above and annexed with the written statement as

Annexure R2/2 is reproduced below for ready reference :-

“PUNJAB I.C.T. EDUCATION SOCIETY

*S.C.O. No.162-164, 3rd Floor, Sector-34A,
Chandigarh, Phone: 0172-5043244,
5043258 Fax: 172-5043244, E-mail:
hoictadm@gmail.com*

PUBLIC NOTICE

1. Punjab LC.T. Education Society (PICTES) had conducted a written test on 18.03.2012 in all 22 districts of Punjab for filling 700 vacancies of Computer faculty. The counseling of candidates found eligible for filing these posts was conducted from 28.09.2012 to 30.09.2012 in Government Model Senior Secondary School, Phase 3Bl, Mohali. Many candidates were found to be absent in this counseling, who are being given one more chance to appear for counseling on 13.10.2012 in Government Model Senior Secondary School, Phase 3Bl, Mohali from 9.00 a.m to 5.00 p.m as per the following schedule :

<i>Sr. No.</i>	<i>Category (with code)</i>	<i>Merit From</i>	<i>To</i>	<i>Date</i>
21	<i>Freedom Fighter Grand Children (121)</i>	48	39.75	13.10.2012

2. Important note :-

i) Attending the counseling will not make any candidate eligible for appointment, the appointment will be made on the basis of merit.

ii) Only those candidates should appear in counseling who are called as per the above cut-off merit. If at the time of counseling a candidate has an incomplete document or is without a document then he shall be declared ineligible and shall not be considered for appointment again and the seat shall be offered to the next candidate.

iii) If the merit of candidate is equal to other candidate then the appointment shall be as per Punjab Government instructions.

iv) Documents necessary for counseling:- Roll Number slip, Two attested passport size photos, all original documents and their attested copies, certificate regarding caste, documents regarding category, certificate regarding Punjab domicile, Photo I-card (Voter Card, Driving licence or Adhar card etc.) and their attested copies)

v) Those candidates who do not appear according to the above mentioned date, place and time for counseling their claim shall be rejected and he shall not be

considered for the post of computer faculty.

*Director General School Education
Punjab I.C.T. Education Society
Punjab, Chandigarh
[Emphasis Supplied by me].”*

The petitioner, who had secured 42.75 marks, as per the attendance sheet, duly appended with the written statement as Annexure R-2/3, did not appear for counseling on 13.10.2012.

That being so, candidature of the petitioner has rightly been rejected in view of Clause 2 (v) of the terms and conditions governing the counseling, as reproduced above. It may also be noticed that the above terms have not been challenged by the petitioner.

The above information was duly available on the website of respondent no. 2 and as the petitioner was an applicant for the post of 'Computer Faculty', at least he cannot feign ignorance so as to how to get information from a website.

Nothing has been shown to me to the effect that the above criteria has not been applied by the respondents for one and all. It is not the case of the petitioner that any candidate, who did not appear for the counseling, has been considered for appointment. No mala fides have been even alleged.

The petitioner states in paragraph 9 of the writ petition that he appeared for counseling on 13.10.2012. This fact has been specifically

denied by respondent no. 2 and in support of such averment, the attendance sheet of all the candidates, who appeared for the counseling held on 13.10.2012, has been appended. As observed earlier, the above facts, so pleaded on behalf of respondent no. 2, have not been rebutted by the petitioner through a rejoinder. Even otherwise, the above assertions and counter-assertions between the warring parties are disputed facts, which I cannot go into while exercising jurisdiction under Article 226 of the Constitution of India.

In view of the above, finding no merit in the writ petition, I order dismissal of the same, with no order as to costs.

(DEEPAK SIBAL)
JUDGE

March 30, 2015

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