

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.21484 of 2016
Date of Decision : 17.10.2016

Kavita

..... Petitioner

versus

State of Haryana and others

..... Respondent

CORAM : HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Kiran Pal Singh, Advocate
for the petitioner.

Anupinder Singh Grewal (Oral)

The petitioner is seeking a direction to the respondents to consider her case for the post of Constable in pursuance to advertisement No.8 of 2015 (Annexure P-3).

It is the case of the petitioner that she had applied for the post of Constable in pursuance to advertisement No.2/2013 issued by the Haryana Police Recruitment Board, Panchkula. The petitioner had qualified for interview. However, the examination could not be conducted and, thereafter, the respondents issued a fresh advertisement in the year 2015. In the terms and conditions stipulated in the advertisement issued in the advertisement No.8 of 2015, those candidates who had qualified for interview in terms of the previous advertisement No.2 of 2013 would be eligible for relaxation in

age and height as well as exemption in fee. The minimum height of the

candidates in terms of the advertisement issued in the year 2013 was 157 cms while the minimum height for female Constables was enhanced to 160 cms in advertisement No.8/2015.

Learned counsel for the petitioner has contended that the petitioner was eligible in terms of the previous advertisement issued in the year 2013 but the respondents have not granted her exemption although it has been clearly laid down in the advertisement issued in the year 2015 that relaxation in age and height would be accorded to candidates, who had qualified for interview in pursuance to the earlier advertisement.

Learned counsel for the petitioner submits that the interviews for the post of female Constable are on and tomorrow is the last date for the conduct of the interviews.

Issue notice to the respondents.

At the asking of the Court, Mr. Rajesh Gaur, Additional Advocate General, Haryana accepts notice on behalf of the respondents.

In view of the urgency of the matter, the learned Additional Advocate General was directed to seek instructions from the concerned Officer.

Learned Additional Advocate General has produced copy of the application form of the petitioner, which is taken on record. Copy of the same has been furnished to the learned counsel for the petitioner.

A perusal of the application form shows that against the column as to whether the candidates had applied previously in pursuance of advertisement No.2/2013 and qualified for interview, the petitioner has replied in negative.

The relevant column in the application form of the petitioner is reproduced hereunder:

“Did you apply previously for the advt. No.2-/2013 for various post of police and qualified for interview?:No”

It is also contended by the learned Additional Advocate General that the petitioner had filed fresh fee for appearing in the examination conducted in the year 2015 although the candidates, who had qualified in interview in the previous examination were exempted from doing so.

I have heard the learned counsel for the parties.

It is apparent that in the application form the petitioner had not mentioned that she had earlier qualified for the interview which would entitle her to claim relaxation in height. This cannot be construed to be an inadvertent lapse as the petitioner has duly deposited the application fee although the candidates who had earlier qualified the interview were exempted from doing so.

At this juncture, learned counsel for the petitioner submits that the petitioner had lost the e-challan vide which she had deposited the fee in the earlier examination held in 2013 and hence she did not seek exemption in terms of the advertisement issued in the year 2015. However, this fact has not been pleaded in the writ petition. In case, the petitioner had lost the e-challan it was open to the petitioner to have made an application to the respondents in this regard. The petitioner has neither disclosed this fact in the writ petition nor filed any such representation to the respondents. It is incumbent upon an applicant to fill the application form with due care and caution. The respondents have to process the forms of a large number of candidates which at times run into lacs and it would not be possible for the

respondents to conduct the examination in time if any laxity or relaxation is shown to the candidates, who have filled the form negligently.

Therefore, I do not find this to be a fit case to exercise extraordinary jurisdiction under Article 226 of the Constitution of India and issue writ as prayed for.

In the result, the present petition stands dismissed.

October 17, 2016
jt

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No