

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

Date of decision: 28.11.2016

CWP No.23476 of 2016

Nikhil Sharma

...Petitioner

Vs.

Haryana Staff Selection Commission

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

On 11.11.2016, I passed the following order:

“The petitioner faces a practical predicament at a very crucial stage of his career. He is pursuing Chartered Accountancy, the examination of which is fixed for 13.11.2016 at a center in Chandigarh. He would be occupied for the entire day to write the examination.

He had applied to the Haryana Staff Selection Commission in the recruitment process for appointment of Clerks under Advt. No.10/2015 (Category No.1) for which the written examinations are to be held in various Headquarters as per schedule given in the Examination Notice dated 21.10.2016 (Annex P-3). The petitioner has downloaded his admit card and as per the same, he has to report for the written examination for the post of Clerk on 13.11.2016 at a center established in District Hisar. Since both the examinations are scheduled to be held on the same day, he can only attend one. The examination of Chartered Accountancy course is on all India level and on a single day and there is no question of any postponement or a reexamination. However, in the written examination to be

held for the post of Clerk, the dates are spread over a period of time from 13.11.2016 to 11.12.2016 entailing five dates.

The petitioner seeks a direction by way of a request that in case the Haryana Staff Selection Commission, Panchkula is directed to permit the petitioner to appear on any other date at any of the examination center in the District Headquarters, he would be able to avail his right to participate in the selection process, if he is issued an admit card for any of the dates beyond 13.11.2016.

Having considered the argument of learned counsel for the petitioner and having regard to the fact that there are four other dates in the Examination Notice for candidates to appear, then in order to protect the right of participation, this Court on equitable considerations deems it appropriate to direct the Commission to alter the date of examination of the petitioner to some other date/s fixed in the Examination Notice (Annex P-3) other than 13.11.2016.

Notice of motion.

On the asking of the Court, Mr. Hitesh Pandit, Addl. AG, Haryana, accepts notice on behalf of the respondent and waives service. A copy of the paper book has been handed over to Mr. Pandit in the Court itself. Mr. Pandit prays for and is granted time to file reply.

List again on 28.11.2016.

To be shown in urgent list.

Meanwhile, there will be an interim order to the Commission to postpone the examination of the petitioner to some other date other than 13.11.2016 and to accommodate him on any of the four dates at Sr.Nos.2 to 5 in the Examination Notice (Annex P-3). The petitioner would approach the Commission on Tuesday i.e. 15.11.2016 for completing any formality that is required before the Commission to facilitate the change of date of his written examination. Non-appearance of the petitioner in the examination scheduled to be held on 13.11.2016 for the post of Clerk will not result in cancellation of his candidature. In case, the petitioner is not required to appear before the Commission, then the Commission may inform the petitioner

telephonically about the changed date or on e-mail at his given email address.

A copy of the order be given to the learned counsel for the parties under the signatures of the Bench Secretary.”

Today, Mr. Ajay Pal Singh informs the Court that roll number has been issued to the petitioner and he will be allowed by the Haryana Staff Selection Commission, Haryana to appear in the written examination for the posts of Clerks in accordance with his request. This renders the petition infructuous.

It is accordingly ordered.

The interim order dated 11.11.2016, as reproduced above, is made absolute, which is not to be reopened or questioned any further since the purpose was only to permit the petitioner to appear in the written examination on any date mentioned at Sr.Nos.2 to 5 in the Examination Notice (Annex P-3). The petitioner shall now abide by the merit determined in the written examination and the selection process.

28.11.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*