

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

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**CWP No.16539 of 2014 (O&M)
Date of Decision : 19.04.2017**

Balram Sharma

..... Petitioner

Versus

The Chairman, Haryana Staff Selection Commission

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Mohit Garg, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the action of the respondents in not considering his candidature for the post of Accountant under the category of Dependent of ex-serviceman.

The stand of the respondent was that along with the application it was mandatory to annex a copy of the certificate of dependent of ex-serviceman but the same was not annexed by the petitioner.

Learned counsel for the petitioner has argued that on a previous date the respondents had been asked to specify whether they retained any record of the documents and certificates which were annexed by the aspirants for the posts and thereafter an affidavit was filed by the respondent-Commission admitting that it kept no record of the documents which were annexed by different candidates. The argument of learned

counsel for the petitioner is that on the date in question the petitioner had a valid certificate of being a DESM. He had applied in the category of DESM and along with the form, he had annexed all the necessary documents and the mere assertion by the respondent that the certificate of DESM was not annexed can not be accepted once they have admitted that there is no record lying with them.

In my opinion, this argument is not entirely palatable because it can well be asserted on the other side that if the bald assertion of the respondent can not be accepted then the bald assertion of the petitioner can also not be accepted.

I put it to the learned Senior DAG that even if this is so yet what measure can be there so that there is no chance of a document being misplaced in the office and a person who is otherwise vigilant is then excluded from consideration.

Learned Senior DAG points out that now the system of e-filing of application has been worked out by the Govt. and consequently there is a trail both with the petitioner and with the respondent but in the absence of any evidence that a document was placed on the record, the petitioner can not be granted the benefit.

I am in agreement with the learned counsel for the respondent. Once there is no material on the record, then to hold that merely because the petitioner had applied in the DESM category and had the requisite certificate and therefore, must have annexed it, is a conjecture.

Keeping in view the entire conspectus of facts I am not persuaded to allow the petition.

Consequently, the petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

19.04.2017
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No