

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

113

CWP No.1379 of 2017

Date of Decision : 30.01.2017

Rekha Jangra

..... Petitioner

Versus

The State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

**Present : Mr. Arvind Rajotia, Advocate
for the petitioner.**

AJAY TEWARI, J. (Oral)

By this petition the petitioner is challenging the action of the respondents in not considering her claim for the post of Assistant Professor (Botany).

Brief facts of the case are that the respondent No.2 advertized the posts of Assistant Professor (College Cadre) in various subjects by advertisement (Annexure P-1). In that advertisement a specific note was mentioned which is as under:-

“Note V – Candidates are advised not to send the hard copy of the application form. If any candidate send the hard copy of the application form the same will not be entertained. Further the candidates are advised/directed to retain the

hardcopies of their online application form with them so that they may not face any problem in sending the hard copy to the Commission if the same is required at a later stage.”

Further the petitioner appeared in a written test and by document Annexure P-2 the result was declared and the petitioner was successful. At the end of that advertisement whereby the result was declared the following note was given:-

“All the above qualified candidates are directed to send hard copies of their online application forms alongwith self attested copies of their certificates/supporting documents to the Commission's office addressed to the Secretary, HPSC, Bays No.1-10, Block-B, Sector 4, Panchkula (Haryana) through registered post or by personal delivery at reception within 15 days from the date of publication of the result in the newspapers failing which their candidature will not be considered for this recruitment.”

It is the contention of the learned counsel that the petitioner somehow did not read the said newspaper wherein that result was published and consequently she did not come to know that she had cleared the test or that she had to submit the hard copy of her application form and later when she came to know about the same she sent a hard copy of her application form but that was received by the department beyond the period of 15 days mentioned in the advertisement. The claim

in the present petition is that the case of the petitioner should be considered. Learned counsel has argued that this Court can not lose sight of the fact that the petitioner has cleared the written test and is a meritorious candidate. Further as against 5 posts now there are only 7 candidates and it is even otherwise in the interest of justice that the field of consideration should be widened and the meritorious candidates like the petitioner should not be excluded only on account of an inadvertent error, in view of the above facts.

In my considered opinion, the petitioner can not succeed. No doubt this Court has sympathy for the petitioner but the issue is whether there was any fault of the respondents. Once the respondents had published the result in a newspaper (presumably the same one in which the initial advertisement had appeared) nothing further could be expected from them. The contention that the respondents should have informed the selected candidates individually is also not a requirement of law. There may be cases where the number of posts are in 100s and thousands of candidates may succeed in the written test. It cannot be held as a principle of law that every candidate has to be informed individually about the result or about any further requirement. To hold so otherwise would be to put an unbearable burden upon the examining

also a satisfactory mode of service of notice. In similar cases the Delhi High Court in the matter of ***Union Public Service Commission and another vs. Govt. of NCT of Delhi and others & other connected cases***, passed in Writ petition (Civil) No.10058/2009, decided on 25.01.2010 has held as under:-

“25. With such a large number of DAFs having been received by the UPSC, it is impracticable to expect the UPSC to give a go by to the instructions that have categorically and specifically been mentioned in the advertisements issued by it. It is one thing to say that procedure is a handmaid of justice but it is another thing, in practical life, to give procedure a complete go by for the sake of accommodating a few people. If this is done, then there would be no obligation on anybody to follow any procedure resulting in a completely unmanageable situation.

26. If the submission made by learned counsel for the Respondents is placed on a larger canvas (since the UPSC conducts dozens of such examinations annually), one can well imagine the resultant chaos. For example, it is well known that the UPSC receives lakhs of applications for the Central Civil Services Examination. If every such applicant submits an incomplete application, that is to say that the relevant information is not submitted along with the application, the processing time for the UPSC would take several months and would, in the long run, be completely

counterproductive. Consequently, in our opinion while it is true that procedure is the handmaid of justice, it is not possible to ignore practical difficulties that may arise in a given case.

27. The present case is such a case where, because of a very large number of applications received by the UPSC, if it is compelled to accept procedurally incomplete applications, there would be serious practical difficulties that it would have to encounter and this may very well lead to a break down in the system. We also cannot overlook the fact that the applicants/Respondents are all highly educated persons claiming to have an LLB degree and three years experience at the Bar. Therefore, it must be assumed that they fully understood the contents of the advertisements and the DAF. There was a duty cast on them to correctly fill up the DAF and they cannot be allowed to contend that despite this, their application should be accepted even if it is incomplete only because procedure is the handmaid of justice.

28. The matter may be looked at from another point of view. The UPSC has rejected the candidature of 45 persons due to non-submission of the required documents and/or submission of documents in the wrong format. If any relief is granted to the Respondents before us, surely it would be appropriate to grant a similar relief to other similarly placed candidates, some of whom may not have approached the Tribunal for relief. If this exercise were to be

undertaken, perhaps the entire examination would require to be cancelled. In our opinion this is neither in the interest of the candidates who have qualified nor is it in the public interest to cancel the entire examination for the sake of accommodating a few persons, such as the Respondents.

29. The facts of this case are singular and we are of the opinion that given the very large number of applications received and the number of candidates involved, we must give the benefit of the necessity of sticking to procedural requirements to the UPSC.”

This Court has similar view and therefore no relief can be granted to the petitioner. Petition is dismissed.

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

January 30, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No