

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

**CWP No.1590 of 2017 (O&M)
Date of Decision : 30th January, 2017**

Rajni Bala

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Karamveer Singh Banyana, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

By this petition, the petitioner has challenged the action of the respondents not permitting her for submitting the documents for scrutiny.

Respondent No.2 advertised posts of Post Graduate Teachers in the school cadre by way of advertisement (Annexure P-4). The petitioner was called for written test. Respondent No.2 then published another advertisement in the newspaper by which the result was declared and the successful candidates (including petitioner) were directed to produce their original documents for scrutiny.

It is the case of the petitioner that due to illness she did not come to know about the said notice and consequently she could not present herself to submit her documents within the prescribed period. She claims that considering the fact that she is a meritorious candidate this technical requirement of not having produced her original documents for scrutiny should not be taken to be a ground to exclude her from the process of

selection.

In my opinion, the argument cannot prevail. No doubt the petitioner may have obtained enough marks in the merit to proceed to the next stage but the issue is whether there was any infirmity in the action taken by respondent No.2. Once the petitioner came to know of the original advertisement through the newspaper it would be reasonable to presume that notice of result through newspaper would also be sufficient.

In similar case 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.

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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.”*

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I find myself in respectful agreement with the above view.

Accordingly, the instant petition stands dismissed.

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

30th January, 2017

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No