

128

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

Civil Writ Petition No.16750 of 2017

Date of decision: 31.07.2017

Saket Sheoran

...Petitioner

Versus

Haryana Public Service Commission and another

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Vivek Khatri, Advocate for the petitioner.

Mr. Kanwal Goyal, Advocate for the respondents.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of list of rejected candidates dated 7.7.2017 (Annexure P/8) whereby the petitioner's case has been rejected on the ground that hard copy of the application form for the post of Assistant Executive Engineer (Civil) against advertisement No.4/15 (Annexure P/1) had been supplied after the cut off date which was of 4.1.2016. Similarly for the post of Assistant Engineer (Civil) against advertisement No.5 (Annexure P/2), the petitioner's case was rejected on the ground that he had not submitted the hard copy of the application form at all.

Counsel for the petitioner has vehemently argued that vide announcement dated 7.7.2017(Annexure P/8) an opportunity was given to submit representation, if any, against proposed rejection with valid proof upto 21.7.2017. It is the case of the petitioner that representation was given on 17.7.2017 (Annexure P/9) that there was no willful intention and the same has been done due to mistake and same had been rectified on

18.4.2017 by submitting hard copy of his application. Resultantly, the petitioner has prayed that admit card for the posts of AEE and AE for screening test which is to be held in the 2nd week of August be issued.

A perusal of the advertisement of both the posts would go on to show that apart from making on line applications, printed copies of the applications along with documents had also to be submitted upto 4.1.2016 for both the posts of Assistant Executive Engineer(Civil) and Assistant Engineer (Civil). Relevant clauses incorporated in the said advertisements (Annexure P/1 and P/2) read as under:-

Advertisement No.4

“3. Closing date for receiving printed application form alongwith documents in support of the claim in Commission's office : **4.1.2016 upto 5.00 P.M.** and for the applicants from Forward Remote Areas i.e. States/Union Territories of North-East Region, Lakshadweep, Andaman and Nicobar Islands, Sikkim, Ladakh Region of Jammu & Kashmir and Pangi Sub-Division of Himachal Pradesh:- **11.01.2016 upto 5.00 P.M.**”

Advertisement No.5

“6. Submission of Application Form:-

Candidate should ensure that **the hard copy of their online application form** alongwith all photocopies of certificates and two passport size photo (same as scanned on online application form) for admission to the examination must reach Commission's office at **Bays No. 1 - 10, Block – B, Sector-4, Panchkula** by post or by personal delivery by close of office working on or before the closing date i.e. **04.01.2016 (11.01.2016** for applicants from forward remote areas) failing which these will not be accepted. **The Haryana Public service Commission will not be responsible for any delay on the part of Postal Department or Courier Agency and all the applications received after the closing date will be rejected out rightly. Incomplete or unsigned application forms shall also be rejected out rightly.”**

Mr. Kanwal Goyal, Advocate has put in appearance on behalf

of respondent-Commission on the asking of the Court and submitted that the said announcement (Annexure P/3) was for those candidates who have submitted their application form along with all documents as per the condition stipulated in the advertisements before the prescribed date and not for those candidates who have failed to give hard copy of the application form.

A perusal of the list of candidates would go on to show that there are various categories whose cases have been rejected including ones whose forms were incomplete and other who had applied with less amount of fee. It is in such circumstances that objections were called for. It is settled principle that terms of the advertisement have to be strictly adhered to and there is sacrosanctity behind the cut off date. If the petitioner himself had not applied as per the terms of advertisement and not submitted printed/hard copy of his application and submitted application after cut off date way back in January, 2016, he cannot now turn around to say that his case may be considered for issuance of admit card for the screening test after a period of one year. In such circumstances, his argument that respondents have not acted upon his representation(Annexure P/9) as per the announcement (Annexure P/3) is without any basis.

Accordingly, finding no merit, the present writ petition is dismissed in limine.

July 31, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No