

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 17863 of 2017 (O&M)

Date of decision: 11.08.2017

Deepak

... Petitioner

versus

Haryana Public Service Commission and another

.... Respondents

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

Present: Mr. Bhoop Singh, Advocate
for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

The present writ petitioner is seeking quashing of the impugned communication dated 24.07.2017 and the announcement dated 22.07.2017 (Annexure P-5 and P-6 respectively) whereby the application form for the post of Assistant Professor (College Cadre) in the subject of Geography of the petitioner has been rejected on account of non-sending of hard copy of online application form alongwith supporting documents by the cut off date i.e. 16.06.2017.

Counsel for the petitioner vehemently submitted that he had applied for the Assistant Professor (College Cadre) in pursuance of the advertisement dated 24.01.2014 (Annexure P-1) which was subsequently cancelled and fresh advertisement was issued on 16.02.2016 (Annexure P-2). There was some discrepancies as to the retention of the hard copies and whether the same had to be sent to the respondent Commission or not. It is the case of the counsel that there

was a specific note that the hard copy is not to be sent in the first advertisement whereas in the second one, it had been mentioned that the candidates are advised/directed to retain the hard copies of their online application 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.

It is submitted that accordingly, on account of the inability to generate the hard copy at the time of declaration of result, the difficulty had arisen and, therefore, hard copy could not be submitted before the cut off date i.e. 16.06.2017 so the petitioner should not be prejudiced.

The said argument is only to be noticed and rejected on account of the lapse of the petitioner and no fault can be put on the Commission. Perusal of the result (Annexure P-4) would go on to show that qualified candidates out of which the petitioner was one, had to send a hard copy of the application form along with self-attested copies of the certificates and supporting documents to the Commission upto 16.06.2017 failing which the candidate shall not be considered for recruitment purpose, since interview was to be fixed. Even if the petitioner had some difficulty in generating the print out of the application form, it was always open to him to send self-attested copies of the certificates along with supporting documents to the Commission along with representation before 16.06.2017 bringing to the notice of the Commission that he had difficulty in generating the hard copy. This

was never done and only on 31.07.2017 (Annexure P-8) the first representation was made; after the cut off date.

Counsel for the petitioner has submitted that this was so done in view of the fact that as per the impugned letter dated 24.07.2017 (Annexure P-5) they had a right to file objections and even announcement was made on 22.07.2017 (Annexure P-6).

Similar issue regarding the objections came up in CWP No. 16570 of 2017, Saket Sheoran Vs, Haryana Public Service Commission and another decided on 31.07.2017 in which cut off date was 04.01.2016 and the documents had not been submitted. It was accordingly, noticed that objections were being called by the Commission in similar circumstances from all types of candidates including the ones whose forms were incomplete and who had not deposited complete fees and in such circumstances objections have been called by the Commission so that on account of technicalities as such the candidatures should not be prejudiced. However, the principle of sacrosanctity regarding the cut off date was noticed and the writ petition was dismissed by observing as under :

“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.”

The present writ petition also falls within the ambit of the above said case, whereas the petitioner himself has chosen not to submit his certificates within time and he cannot turn around now and blame anyone else for his lapse. Accordingly, no ground is made out to entertain the present writ petition and the same is dismissed in *limine*.

(G.S. SANDHAWALIA)
JUDGE

August 11, 2017

kv

Whether speaking/non-speaking: Yes/No
Whether reportable : Yes/No