

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

**Civil Writ Petition No.19383 of 2017
Decided on : 29.08.2017**

Omesh Kumar

... Petitioner

Versus

Haryana Staff Selection Commission and another

... Respondents

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

Present : Mr. Himanshu Chhabra, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks direction to the respondents that his documents be scrutinized and he be allowed to appear in the interview for the post of Shift Attendant scheduled to be held from 24.08.2017 to 26.08.2017 and from 28.08.2017 and 29.08.2017 and as per counsel on the dates of re-schedulement. Direction has also been sought for decision of the representation filed.

The petitioner had applied against 2426 posts of Shift Attendant against Advertisement No.3 of 2016 which has been issued by the respondent-Commission on behalf of the three Nigams. It is his case that he was successful in the written examination held on 29.05.2016 and the result of which has been declared on 30.04.2017 (Annexure P-3). It is, however, his case that he was not aware of the result and could not appear for scrutiny of the documents which was scheduled from 05.05.2017 to 11.05.2017. It is a matter of record that notice dated 15.05.2017 another opportunity was given for scrutinizing the documents on 19.05.2017 to the candidates who

remained absent for scrutinizing of the documents. Thereafter, on coming to know about the result on 22.07.2017, he started representing for consideration vide Annexures P-4 to P-7.

It is not disputed that thereafter notice dated 12.08.2017 (Annexure P-8), respondent-Commission has called the eligible candidates on the abovesaid dates which has now been re-scheduled and resultantly the petitioner approached this Court on account of the fact that his representations have not been decided.

When the result was declared, the following conditions were prescribed by the respondent-Commission:-

“Note:- 1. The Scrutiny of Documents of the above candidates will be held from 05.05.2017 to 11.05.2017 in the Commission office , Panchkula, as per schedule to be notified shortly on Commission's Website i.e. www.hssc.gov.in. They are also directed to bring all original documents, set of attested copies of all documents, one Id Proof and self attested copy of downloaded application form.

*2. In case a candidate **does not appear for Scrutiny of Documents**, he/she will not be considered for Viva-Voce/interview and **no further opportunity will be given thereafter.***

*3. It is important to note that after the scrutiny of documents, if a candidate is found eligible **it will not confer any right of interview** and candidates only falling within twice the number of vacancies shall be called for interview.*

*4. While every care has been taken in preparing and uploading the result, possibility of inadvertent/technical errors cannot be ruled out. **The Commission reserves the right to rectify the same later on.***

5. The result is also available on the website of HSSC i.e. www.hssc.gov.in. ”

It was specifically provided that no further opportunity would be given thereafter. It is not disputed that even thereafter on 15.05.2017, the Commission had issued notice for scrutinizing the documents, but the petitioner also failed even then to appear. It is settled principle that the cut-off-date is sacrosanct and if the petitioner has chosen not to appear as per the prescribed conditions, he cannot be allowed to be called for interview as he chose not to produce his documents for scrutinization, on the basis of which the respondent-commission could prepare a list of the eligible candidates which were to be twice in number of the posts advertised. Any benefit if could be given to the petitioner would be at the cost of others who might have been lower in merit than the petitioner but have succeeded only on account of the fact that the petitioner chose not to appear for scrutiny of the documents. The sacrosanctity of the cut-off-date has been time and again been stressed by the Court.

In such circumstances, the petitioner cannot be granted any benefit. Accordingly, the present writ petition is dismissed in limine.

AUGUST 29, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No