

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

**Civil Writ Petition No.24954 of 2017
Decided on : 02.11.2017**

Jogender Kumar

... Petitioner

Versus

Haryana Staff Selection Commission

... Respondent

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

Present : Mr. Deepak Vashishth, Advocate for the petitioner.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks quashing the action of the respondent in not calling the candidature of the petitioner for interview for the post of Water Pump Operator Grade-II against the Category No.30.

It is the case of the petitioner that he was an applicant under the BC-A Category qua Advertisement No.7/2016 (Annexure P-1) and for which the cut off was admittedly 15.02.2017. As per the terms of the advertisement, reservation of Backward Class-A was only for the domicile of Haryana State.

It is the case of the petitioner himself that at the time of application, he had attached the certificate issued by Tehsildar Saharanpur, which obviously is not belonging to the State of Haryana. When the petitioner was called for scrutiny from 04.07.2017 to 06.07.2017 vide notice dated 28.06.2017 on having qualified the written test, he did not have the requisite certificate. Copy of the backward class certificate which has been handed over today in the Court is also dated 12.07.2017, which was issued after the date fixed for scrutiny, which was as per the case of the petitioner was 05.07.2017 (Annexure P-5) in his case. It is the case of the petitioner

himself that he has submitted his certificate, thereafter, as he had been asked as such to submit it within a specified time frame.

It is in such circumstances he has now come before this Court, on account of the fact that notice dated 12.10.2017 (Annexure P-6) has been issued, whereby two times of the vacancies, the candidates have been called for interview, after the scrutinization process.

Counsel has submitted that the petitioner has thereafter filed an application on 16.10.2017 (Annexure P-7) for appearing in the interview, on the ground that he has scored 116 marks, which is more than the cut off marks i.e. 108 marks.

A perusal of the terms and conditions of the advertisement would go on to show that as per Note (i) (page No.17), the certificates issued by the competent authority were to be required at the time of interview. A Coordinate Bench of this Court vide order dated 15.11.2016 passed in **CWP No.22746 of 2016 'Satish Kumar Malik and others Vs. State of Haryana and others'** has directed that for the purposes of scrutinization process, the Commission shall firstly shift through the eligible candidates and therefore call two times the number for the purpose of interview. The relevant part of the said order reads as under:-

“5. With this deletion, nothing remains to be decided or adjudicated in these cases any longer. Mr. Mahajan assures the Court that thinking process in the order dated November 10, 2016 will be taken to be its logical vend in producing merit in a fair and transparent manner so that no eligible candidate feels aggrieved by non-consideration of his right of participation and consideration in the selection process. In view of the above, these

petitions are disposed of on the valuable assurance given by learned Advocate General, Haryana that the Commission will apply the principles contained in the directions in the order dated November 10, 2016 which is made absolute by deleting the word "all" from direction 3. Accordingly, the horse has been put before the cart for the selection process to proceed in a fair and transparent manner without scope of distorting the eligibility criterion as against the short listing method adopted [which is fair] by removing ineligible candidates from the aggregate of calling candidates not exceeding twice the number of vacancies in all the advertised categories of posts. The competition confined to the eligible candidates without tending to fall out at a premature stage short of the viva voce."

It is in such circumstances, the petitioner at the time of scrutinization was to get all original documents and sets of all attested copies, as per Note 1 of notice dated 28.06.2017, which he has failed to do so. The said Note reads as under:-

*"Note:- 1. The Scrutiny of Documents of the above candidates for the post of Supervisor (Female) will be held on **03.07.2017** and Water Pump Operator Grade II will be held from **04.07.2017 to 06.07.2017** in the HUDA Field Hostel, Sector-6 (Near Laxmi Naryan Mandir), 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."*

Argument raised by the counsel that on subsequent occasions chance was given by the Commission is also without any basis. The same was for the absentee candidates and not for the persons who willingly had not complied with the terms and conditions of the advertisement and notices. By permitting the petitioner to take part in the interview process, would be at cost of others, who have become eligible

and who had cleared scrutinization process.

Accordingly, this Court is disinclined to interfere and to call upon the respondents, due to laxity shown by the petitioner on his own account not at one stage, but at two stages. Resultantly, no relief can be granted to the petitioner and the writ petition is, accordingly, dismissed in limine.

NOVEMBER 02, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No