

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

CWP No.5953 of 2017

Date of Decision : 27.03.2017

Jaswant

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Chanderhas Yadav, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

By the present petition the petitioner has challenged the action of the respondents in not calling him for the interview for the post of Dispenser Ayurveda under the DESM category.

The posts were originally advertised in the year 2013 when the petitioner had applied. However that process was cancelled and fresh advertisement was issued on 01.12.2015. The petitioner again applied and was called for scrutiny of documents on 07.03.2017. After scrutiny his name did not appear in the list of candidates called for interview and when he found out he was informed that along with the hard copy of the application form he had in fact annexed a DESM certificate of the year 2013 which, as per the instructions relating thereto was valid only for one year, and that is why he was not called for the interview.

Learned counsel for the petitioner has argued that immediately after the respondents informed him about this mistake he showed them the DESM certificate issued in the year 2015 but they illegally refused to consider the same. As per learned counsel, in the advertisement it was mentioned that the original certificates had to be checked during the interview and if the respondents had permitted him to attend the interview he would have shown the valid DESM certificate.

There is a snag in the argument of the learned counsel. By judgment passed in CWP No.22746 of 2016 titled as ***Satish Kumar Malik and others Vs. State of Haryana and others*** decided on 15.11.2016, this Court had directed the Haryana Staff Selection Commission that for the interview the candidates who had to be called should not be less than two times the number of posts advertised. It had been noticed that many times when the candidates were called for interview a lot of them had to be rejected because their documents were not in order and this resulted in a situation where there were too few candidates, who were actually considered for the post and that is why this Court had directed the Haryana Staff Selection Commission to fix a date prior to the interview for scrutiny of documents so that a large number of candidates may not be eliminated at the final stage of interview. It is pursuant to this direction of this Court that the Haryana Staff Selection Commission, following the practice of the Haryana Public Service Commission, directed all the candidates to appear for scrutiny of documents by letter Annexure P-7.

Once the learned counsel for the petitioner has accepted that on that date the petitioner had inadvertently annexed an invalid DESM

certificate along with the hard copy of his application no fault can be found with the action of the respondents in excluding him from the interview list. The mere fact that actually the petitioner had the necessary certificate would not create a right once a wrong document was annexed with the application form. The action of the respondents in requiring all candidates to ensure that the correct documents are submitted can not be held to be illegal.

In the circumstances, the petition is dismissed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

March 27, 2017
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No