

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

**CWP-6578-2017 (O&M)
Date of Decision : 29.03.2017**

Rani Devi Petitioner

Versus

Pandit Bhagwat Dayal Sharma and another Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vijay Pal, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has prayed to quash the action of the respondents whereby candidature of the petitioner has been considered in General-ESM category instead of under General-DESM category for the post of Staff Nurse.

Brief facts of the present case are that the petitioner applied for the job of Staff Nurse. She was actually the dependent of Ex-servicemen but in the form she did not mention so and therefore her candidature was considered in General ESM-category. However, she annexed the certificate of dependent of Ex-servicemen.

The issue is whether in such circumstances she can pray that she be considered as dependent of Ex-servicemen. In normal circumstances, it is clear that that application form which was wrongly filled would be liable to be rejected on that ground alone. Once it is

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accepted that in the application form the petitioner did not fill up her category of reservation being dependent of Ex-servicemen, she cannot now claim to be considered in that particular reserved category on the ground that the certificate had been placed on record with the application form. Reference may be made to the judgement of the Division Bench of the Delhi High Court in the matter of ***Union Public Service Commission and another vs. Govt. of NCT of Delhi and others & other connected cases***, passed in Writ petition (Civil) No.10058/2009, decided on 25.01.2010 wherein it has been held as under:-

“25. With such a large number of DAFs having been received by the UPSC, it is impracticable to expect the UPSC to give a go by to the instructions that have categorically and specifically been mentioned in the advertisements issued by it. It is one thing to say that procedure is a handmaid of justice but it is another thing, in practical life, to give procedure a complete go by for the sake of accommodating a few people. If this is done, then there would be no obligation on anybody to follow any procedure resulting in a completely unmanageable situation.

26. If the submission made by learned counsel for the Respondents is placed on a larger canvas (since the UPSC conducts dozens of such examinations annually), one can well imagine the resultant chaos. For example, it is well known that the UPSC receives lakhs of applications for the Central Civil Services Examination. If every such applicant submits an incomplete application, that is to say that the relevant information is not submitted along with the application, the processing time for the UPSC would take several months and would, in the long run, be completely counterproductive. Consequently, in our opinion while it is true that procedure is the handmaid of justice, it is not possible to ignore practical difficulties that may arise in a given

case.

27. *The present case is such a case where, because of a very large number of applications received by the UPSC, if it is compelled to accept procedurally incomplete applications, there would be serious practical difficulties that it would have to encounter and this may very well lead to a break down in the system. We also cannot overlook the fact that the applicants/Respondents are all highly educated persons claiming to have an LLB degree and three years experience at the Bar. Therefore, it must be assumed that they fully understood the contents of the advertisements and the DAF. There was a duty cast on them to correctly fill up the DAF and they cannot be allowed to contend that despite this, their application should be accepted even if it is incomplete only because procedure is the handmaid of justice.*

28. *The matter may be looked at from another point of view. The UPSC has rejected the candidature of 45 persons due to non-submission of the required documents and/or submission of documents in the wrong format. If any relief is granted to the Respondents before us, surely it would be appropriate to grant a similar relief to other similarly placed candidates, some of whom may not have approached the Tribunal for relief. If this exercise were to be undertaken, perhaps the entire examination would require to be cancelled. In our opinion this is neither in the interest of the candidates who have qualified nor is it in the public interest to cancel the entire examination for the sake of accommodating a few persons, such as the Respondents.*

29. *The facts of this case are singular and we are of the opinion that given the very large number of applications received and the number of candidates involved, we must give the benefit of the necessity of sticking to procedural requirements to the UPSC.”*

I am in respectful agreement with this view and therefore no relief can be granted to the petitioner. Petition is dismissed.

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

29.03.2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No