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

**CWP No.9711 of 2017**

**Date of Decision : 16.05.2017**

Vipin

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

**\*\*\***

Present : Mr. Mazlish Khan, Advocate  
for the petitioner.

**\*\*\***

**AJAY TEWARI, J. (Oral)**

By this petition the petitioner has challenged the action of the respondents in not permitting him to have his documents scrutinized.

The allegations were that as per the original advertisement the petitioner who had applied for the post of Lower Division Clerk took the examination and had been successful in the first hurdle. The result was declared by document Annexure P-3 and in that result it was mentioned that the date of scrutiny of documents of successful candidates in the category of Lower Division Clerk would be 29<sup>th</sup> to 30<sup>th</sup> April, 2017. However, when the petitioner went to the office of the Haryana Staff Selection Commission on

had already taken place on 24<sup>th</sup> to 25<sup>th</sup> March, 2017. The petitioner immediately moved a representation bringing to their notice that it was not his fault but the representation having not been allowed he is before this Court. On the last date, the following order was passed:-

*“Adjourned to 16.05.2017 to enable the learned counsel to check whether the notice regarding the change of date of scrutiny was published in the newspaper and the circumstances in which other candidates were permitted by this Court to appear for the interview.”*

Today the learned counsel has fairly stated that at least in two newspapers i.e. Dainik Jagran and Dainik Bhaskar on 11.03.2017 the Haryana Staff Selection Commission had given an advertisement. As per him this advertisement would not help the case of the respondents because a perusal of the advertisement could lead to the reasonable conclusion that the date of scrutiny of documents for the posts of Lower Division Clerk and Divisional Accountant was not changed and continued to be the original date.

In my opinion, this argument is not correct. What is mentioned in the advertisement is that *'Dastanvejon ki chhatani ke liye umidvaron ko suchna dinank 08.02.2017 ki nirantarta me, dastavejon ki chhatani niman anusar punah suchibadh ki gai hai; (this can be translated into English in my own words as 'in continuation of information dated 08.02.2017 with regard to scrutiny of documents the candidates are informed that the scrutiny of documents has been rescheduled as per the following).* It is clear from a perusal upto here that the scrutiny for the documents of under mentioned categories of applicants had been rescheduled. Below this a table

post and on the right side changed date is shown for scrutiny of documents. The first post which is referred to is Grid Sub Station Operator and for that category the changed date for scrutiny of documents is 20.03.2017 to 23.03.2017. The second post is of Upper Divisional Clerk and for that scrutiny all documents have been rescheduled to 24.03.2017 to 25.03.2017. The third and fourth posts are of Divisional Account and Lower Division Clerk and against them what is mentioned is the Hindi word Vahi (in the newspaper Dainik Jagran) and the Hindi word Yatha (in the newspaper Dainik Bhaskar). Both these words can be translated into English as 'the same'.

The contention of the learned counsel is that the word Vahi/Yatha/the same would indicate that the date of scrutiny of these two categories of posts was not changed and continued to be the same. He has also relied upon the fact that in at least two other cases i.e. CWP No.6940 of 2017 titled as *Deepak Kumar and another vs. State of Haryana and another* and CWP No.5860 of 2017 titled as *Anjali and others vs. State of Haryana and another*, notice has been issued on this very contention.

Without meaning any disrespect, I am not able to convince myself to proceed further in this matter. The argument of the learned counsel is flawed for the simple reason that if the dates of scrutiny of documents of the category of employees for which the petitioner was an aspirant was not to be changed it would not have been mentioned in the advertisement at all. Moreover, the advertisement categorically and explicitly stated that the dates of scrutiny for the post of Lower Division Clerk had been rescheduled. In these parameters of fact, if the petitioner

was misguided he has only himself to blame. The entire context would

show that the word 'Vahi/Yatha/the same' refers to the entry which is above this and it clearly shows that the date of scrutiny had been changed from 29<sup>th</sup> and 30<sup>th</sup> March, 2017 to 24<sup>th</sup> March and 25<sup>th</sup> March, 2017. It also deserves mention here that in the original petition the allegation made had been that this date had been changed without any notice and it is only pursuant to the last order that the learned counsel has done some homework and found out that in fact the Commission had published the change in date.

Learned counsel has argued that once this Court has issued notice in a similar case, it would be appropriate if notice is issued in this case also. That argument need not detain me. The mere fact that notice of motion has been issued in similar case does not constitute any binding precedent.

Consequently, the petition is dismissed.

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

May 16, 2017  
*ashish*

( AJAY TEWARI )  
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No