

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 30.01.2018****CWP No.780 of 2018**

Manjeet Singh

...Petitioner

Vs.

Haryana Public Service Commission & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Anita Balyan, Advocate, for the petitioner.

Mr. H.N.Mehtani, Advocate, for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

Timelines set down in public advertisements calling applications for filling up the posts of Deputy Superintendent of Jail (Male) are to be meticulously obeyed in an on-line selection process. The petitioner failed to turn up for the physical measurement test and complains that he had no knowledge of the date of the test, but admits that the day, date and time was in public domain uploaded on the website of the Commission. Having missed the bus, I have serious doubt, whether he can be permitted to be put to the physical measurement test even though written examination for the post is yet to be held. Cut-off dates in direct recruitment processes are sacrosanct and have to be followed without departure. A Full Bench of this Court in Rahul Prabhakar Vs. Punjab Technical University & others, AIR 1998 P&H 18 says as much.

If the prayer of the petitioner is allowed on compassionate or sympathetic grounds, it would open up a Pandora's box and equal treatment may have to be given to all similarly placed by way of a corrigendum which

course, if adopted, would delay the selection process thereby seriously jeopardizing public interest.

What weighed in the mind of the Court in Rekha Jangra Vs. State of Haryana & others [LPA No.209 of 2017 decided on 06.04.2017], a case of recruitment of Assistant Professor (College Cadre) cited by the learned counsel for the petitioner, was that the petitioner therein did not produce the hard copy of the application form even when the material required to be shown at the time of interview was available in soft copy with the Commission and, therefore, she succeeded, but with a caveat of the Division Bench that the relief would not be a precedent in other cases. Earlier, the Single Judge had dismissed the petition against which the candidate had gone in appeal. In *Rekha Jangra's* case, the appellate Bench had passed the following order:

“(1) The appellant is a candidate for the post of Assistant Professor (College cadre) in the subject of Botany. She was required to submit hard copy of her application which she had submitted online within the stipulated period. The appellant could not submit the hard copy for the reasons beyond her control. Resultantly, her candidature was cancelled.

(2) It is an admitted fact that the appellant had applied online within time and she is otherwise eligible for the post in question. It is true that every candidate was required to submit hard copy of the application form also as per the clear instructions mentioned in the advertisement as also separately notified by the Commission. However, in the peculiar facts and circumstances of this case, we directed the Commission to consider and grant one time concession to the appellant which shall not be taken as a precedent in future. Consequently, the Commission considered the appellant eligible for further consideration and she was interviewed provisionally.

(3) The appeal is accordingly disposed of with a direction to the respondents that let the appellant's merit be determined along with other candidates as and when the result is to be declared and her candidature be not rejected due to delay in submission of hard copy of the application form, which has been otherwise already submitted. This order or the interim directions however shall not be a precedent for future cases.

(4) Disposed of accordingly.”

The case is distinguishable from the present one, where the petitioner has skipped the physical measurement test for whatever reason. Therefore, no relief can be granted to the petitioner as a matter of right.

Consequently, no ground for interference is made out in this petition and the same is ordered to stand dismissed.

30.01.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>