

CWP No. 9041 of 2018

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

**CWP No. 9041 of 2018
Date of decision: 17.4.2018**

Suresh Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Gaurav Mohunta, Advocate
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner is aggrieved by an order dated 27.3.2018 (Annexure P-13), vide which, his representation to consider his candidature for selection to the post of Heavy Vehicle Driver has since been declined.

Pursuant to the advertisement No. 4/2017 (Annexure P-1), the petitioner competed for selection, in the Scheduled Caste Category. He qualified the written examination as also the driving proficiency test. However, he was never called for interview. For during scrutiny of his documents, it was detected that even though he claimed to possess three years' driving experience, in terms of the advertisement, but the certificate (Annexure P-6), appended with his application form, and the one produced during scrutiny, showed that the experience he actually possessed was for one year and four months. Accordingly, his candidature was rejected. The case set out by the petitioner has been; that he was serving in Bharti Middle School from 15.5.2014 to 14.9.2015, which is why, he submitted the experience certificate dated 14.9.2015 (Annexure P-6). But, in fact he continued to serve even post 14.9.2015, and was issued another certificate,

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dated 3.6.2017 (Annexure P-4), however, it could neither been appended with the application form nor produced during scrutiny. Resultantly, the petitioner moved a representation dated 5.3.2018 (Annexure P-9), appending therewith the experience certificate (Annexure P-4). And, as no decision was taken thereupon, he approached this Court vide CWP No. 6349 of 2018, which was disposed of vide order and judgment dated 14.3.2018 (Annexure P-12), requiring the respondents to consider and decide his representation. And as indicated above, the said representation has since been rejected, the petitioner is again before this Court.

Concededly, the last date for submission of online application forms was 24.6.2017. It is not disputed either that the petitioner only appended the experience certificate dated 14.9.2015 (Annexure P-6), which showed that he possessed only one year and four months experience. Not just that, even during scrutiny on 5.12.2017, the petitioner failed to produce the certificate dated 3.6.2017 (Annexure P-4), that could show that he indeed possessed three years requisite experience. It is not his case either that he requested the Commission to afford him an opportunity or time to produce one. In fact, he represented to the respondents on 5.3.2018, and for the first time, furnished the certificate dated 3.6.2017 (Annexure P-4) therewith. But, that too would not enure to his advantage. For he was required to furnish the experience certificate along with his online application form, and produce the originals at the time of scrutiny, in terms of the advertisement (Annexure P-1).

The argument; that the petitioner, in his application form itself, had mentioned that he possessed the driving experience from 15.5.2014 to 3.6.2017, would also not advance his case. For, as indicated above, the

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petitioner not only failed to append the requisite certificate with his application form, but did not produce the same even at the time of scrutiny. Further, the eligibility of the candidates was required to be considered only at the stage of scrutiny of documents and not at any subsequent stage. Thus, he has none other to blame than his own-self. Concededly, the interviews were held w.e.f. 25.2.2018 to 1.3.2018, process of selection has been concluded and even the appointments have since been made. Even otherwise, at this stage, if the respondents are asked to consider his candidature, that would rather entail multiple complications, for many other candidates, who too were declared ineligible during scrutiny, might stake their claim for reconsideration of their candidature.

In conspectus of the above, no ground is made out to interfere in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. The petition is accordingly dismissed.

17.4.2018
AK Sharma

(ARUN PALLI)
JUDGE

Whether speaking / reasoned:	YES
Whether Reportable:	NO