

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

Letters Patent Appeal No.320 of 2019 (O&M)

Date of Decision: 22.02.2019

Haryana Staff Selection Commission through its Secretary

.....Appellant

versus

Sarla and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Deepak Balyan, Addl. Advocate General, Haryana,
for the appellant.

KRISHNA MURARI, CHIEF JUSTICE

CM No. 713-LPA of 2019

Heard. For the reasons mentioned in the application, delay of 55 days in filing the appeal is condoned. Application stands disposed of.

LPA No. 320 of 2019 (O&M)

Haryana Staff Selection Commission has filed this intra-court appeal under Clause X of the Letters Patent against the judgment and order dated 31.10.2018 passed by the learned Single Judge allowing the writ petition filed by the respondent-petitioner challenging the action of cancelling her candidature for the post of Supervisor (female).

2. Necessary facts required to be noticed for adjudication of the controversy are as under:-

An advertisement No.7/2016 dated 30.12.2016 was issued by the appellant for appointment on 126 posts of Supervisor (female) in the Department of Women and Child Development Department, Haryana. The application forms were to be submitted online and the last date for

submission was 15.02.2017 which was extended up to 01.03.2017. Admittedly, the respondent-petitioner applied under the Economically Backward person in general caste (EBPG) category. However, her candidature was cancelled on the ground that in the online form she had declared her category as BCB. It is not in dispute that the certificate certifying that she belongs to EBPG category accompanied the application form.

3. Learned Single Judge called for the result in a sealed cover and found that the last candidate of EBPG category secured 102 marks whereas the respondent-petitioner had secured 106 marks and she was also provisionally interviewed under the interim orders dated 12.07.2017 passed by the Writ Court and as the mistake occurred on account of human error the writ petition was allowed.

4. The case set up by the respondent-petitioner was that as soon as the mistake committed in filling up online form came to her knowledge she immediately made a representation dated 27.04.2017 before respondent No.2 requesting for necessary correction in the application form. She was assured that at the time of verification of the documents she will be allowed to carry out necessary corrections and was permitted to appear in the written test. However, subsequently when she appeared for verification of documents on 03.07.2017 she was not allowed to participate in the interview and her candidature was cancelled.

5. We cannot loose sight of the fact that in view of the prevailing socio economic condition in our country, every citizen is neither net savvy nor has a computer or laptop readily available for use. In these circumstances, when such a candidate has to submit an application on-line he has to dependent upon the cyber cafés providing the net services. Being

himself/herself not computer and net savvy the candidate has to depend upon the operator in the cyber café to fill in online form and in such a circumstance if any mistake occurs it would be wholly unrealistic and arbitrary to make such a candidate suffer. It is also to be taken note of that if an incorrect entry is made due to human error, there is no provision on the website of the Commission allowing correction in the online application form. In these circumstances, if a mistake is committed, there being no provision for carrying out correction, even if it is noticed subsequently, a poor candidate is to suffer for no fault.

6. In the case in hand, the respondent-petitioner is a poor widow lady and is resident of village Karora, District Kaithal, where she was working as an Anganwari Worker. It is pleaded in the writ petition that online application form was submitted by her through computer centre in the village. In view of the aforesaid facts and circumstances we find no illegality in the view taken by the learned Single Judge allowing the claim of the respondent-petitioner.

7. After hearing learned counsel for the appellant we are also not persuaded to take a different view in the matter than the taken by the learned Single Judge. Appeal thus accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

22.02.2019

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Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No