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

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Date of decision : 18.04.2019

Rakesh Tanwar

... Petitioner

Versus

The State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ramender Chauhan, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The petitioner has approached this Court under Article 226/227 of the Constitution of India, for issuance of a writ in the nature of mandamus for directing respondent No.2-Haryana Public Service Commission, to consider the candidature of the petitioner for the post of Assistant District Attorney (Group-B), Prosecution Department Haryana against Advertisement No.2/2017 with a permission to rectify the mistake in not submitting the hard copy of the online application form along with other documents inadvertently and with a further direction to provisionally appear in the interview process.

As per the assertion in the writ petition, respondent No.2 on 08.05.2017, advertised 190 posts of the Assistant District Attorney (Group-B), Prosecution Department, Haryana. The petitioner is stated to have submitted an application under the category of Handicapped Quota as he

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was having the essential qualification from the recognized University. He set in the written examination held on 01.01.2019 and as per the result declared on 06.03.2019, was not found to be eligible.

Learned counsel for the petitioner submitted that as per the result, aforementioned, all the candidates were required to send hard copies of their online application form along with self-attested copies of the certificate to the office within a period of 15 days i.e. 25.03.2019, but the same was extended, vide announcement dated 28.03.2019 (Annexure P-3), to submit a representation against the rejection within a period of ten days from the date of publication of the announcement. The petitioner is stated to have made a representation as he was allocated Roll Number as 29913, giving the reason that his mother is suffering from sugar, thyroid and kidney disease and is undergoing treatment in the hospital from 01.03.2019 to 07.03.2019 and thereafter, admitted in Health Institute, Hisar, w.e.f. 08.03.2019 to 09.03.2019 and then O.P. Jindal Institute of Cancer and Cardiac Research from 09.03.2019 to 15.03.2019 and therefore, was incapacitated to the submissions. He was flabbergasted to notice the letter (Annexure P-5) dated 10.04.2019, where the few of candidates' representation was accepted and they were called for interview. The petitioner, owing to the ill-health of his mother, was prevented from submitting the hardcopy of the online application forms.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the present writ petition is liable to be dismissed not only one ground, but few, as it is bereft of the explanation how many family members were in his family. On specific query, learned counsel for the petitioner submitted that there are four members; the

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petitioner, his father, mother and his brother.

This Court has also prevented to notice that the alleged handicappedness of the petitioner as to whether that he was sole member and fit to accompany the mother in the treatment, despite availability of his brother. A person cannot be said to be so lackadaisical in not submitting desired copies, as per the announcement. Such a callous attitude cannot be a ground to bring the case within the realm of 'Judicial Review' for grant of provisional appearance in the interview process, particularly when he has been rendered himself ineligible. Accordingly, the present petition is devoid of merits and the same is dismissed.

18.04.2019

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**