

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

CWP No.17887 of 2019 (O&M)

Date of decision:13.08.2019

Yogesh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Petitioner in person.

AMIT RAWAL J.

On oral request of petitioner-in-person, date of hearing is pre-poned from 27.08.2019 to today itself and main case is taken on board for hearing.

C.M.No.11432 of 2019

The application is allowed, subject to all just exceptions. Copy of announcement notice dated 05.08.2019 (Annexure P-10) is taken on record.

CWP No.17887 of 2019 (O&M)

Petitioner has sought indulgence of this Court for quashing the letter dated 24.06.2019 (Annexure P-5) rejecting his candidature on account of non-submission of hardcopy of documents submitted online upto the stipulated period i.e. 21.06.2019.

In pursuance to advertisement no.1 of 2015 whereby number of posts including the posts of Naib Tehsildar, Class A (Apprentices),

Gazetted, Class II (Group B) in Revenue and Disaster Management Department Haryana were sought to be filled up, petitioner in 2015 applied for the aforementioned post. Since selection process never started for three years, during this period, petitioner was working as Tax Assistant in Kolkata and owing to ill health of his mother, sought extra ordinary leave by submitting an application, Annexure P-1. Written examination was conducted on 26.05.2019 in which petitioner appeared and result of same was declared on 13.06.2019 but petitioner was not aware as on 14.06.2019 left for Jammu to appear in examination of National Eligibility Test in Jammu which was scheduled to be held on 16.06.2019 and during this travelling period, lost the android phone in the train containing mobile No.94162-31422 and intimation in this regard was sent by his father and till now, new sim has not been issued. He returned on 18.06.2019 early morning and his mother's condition further deteriorated but could not extend the leave further and had to go back to Kolkata on 19.06.2019. Vide notice dated 24.06.2019 (Annexure P-8), candidature of few candidates including the petitioner was rejected on account of non-submission of printed/hard copy of online application form alongwith required documents. The name of petitioner in List-I figured at serial no.1.

Contention of petitioner-in-person is that similarly situated persons have been extended the benefits, thus, there is discrimination. The bonafide of petitioner is writ large owing to ill health of his mother, therefore, there is no *mens rea*, and rejection is fallacious being not vigilant.

Respondents no.2 and 3 in the written statement supported the rejection on the ground that petitioner failed to submit the printed/hard copy of online application form alongwith required documents within stipulated time which was essence of condition as Note No.3 containing following information to all the candidates:-

“3. All the above qualified candidates are directed to send hard copies of their online application forms alongwith self attested copies of their certificates/supporting documents to the Commission's office addressed to the Secretary, HPSC, Bays No.1-10, Block B, Sector 4, Panchkula (Haryana) through registered post or by personal delivery at reception upto 21st June 2019 at 5.00 P.M, failing which their candidature will not be considered for this recruitment. The Commission will not be responsible for late delivery of hard copies of online forms by the postal or courier services.”

Last date for submission of the documents was 21.06.2019. In similar controversy, this Court in CWP No.1379 of 2017 titled as “Rekha Jangra Vs. State of Haryana and others” rejected the case of similar situated persons.

I have heard the petitioner, who is present in person, Mr. Nishant Yadav, Secretary, Haryana Public Service Commission called by this Court owing to suspension of work by the lawyers and gone through paper book and of view that there is no force and merit in petition.

Petitioner has attempted to raise certain disputed facts by placing on record railway ticket but no proof with regard to loss of telephone or sim has been placed on record.

Be that as it may, once the condition extracted supra specified that no extension of time would be given, in such circumstances, Court cannot come to the rescue of petitioner to give the benefit for submission of hardcopy. Strictly by going with the averments in petition, even the medical record qua health of mother has also not been attached. The last date was 21.06.2019 and as per the reply extension was given only to two candidates, whose candidature was rejected wrongly by the Commission but that analogy do not apply to petitioner. Such non-belligerent act of the petitioner cannot be condoned by this Court under Article 226 of Constitution of India.

Accordingly, I do not find any merit in writ petition and the same is hereby dismissed.

(AMIT RAWAL)
JUDGE

August 13, 2019

savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No