

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

CWP No.20209 of 2017 (O&M)

Date of Decision.13.08.2019

Anil Kumar

...Petitioner

Vs

Haryana Staff Selection Commission

...Respondent

Present: None.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Prayer in the writ petition is for issuance of appropriate direction to respondents to consider candidature of the petitioner for post of Shift Attendant.

As per averments in writ petition, Haryana Staff Selection Commission caused advertisement No.3/2016 dated 20.02.2016 (Annexure P-1) for various posts including Shift Attendant to fill up 188 posts under category of Ex Servicemen/Dependents of Ex Servicemen. Petitioner applied under category of Dependents of Ex Servicemen and was issued Roll No.1301619275. Written examination for the same was held on 29.05.2016. The result was declared on 30.04.2017. It was clarified that scrutiny was to be held between 05.05.2017 to 11.05.2017. Petitioner could not appear before the authorities for scrutiny of documents owing to demise of his father on 25.03.2017 as the family was extremely disturbed for more than two months. When respondent-Department published interview notice

dated 12.08.2017, petitioner acquired knowledge and came to know that period for scrutiny of documents was already over. In such circumstances, made representation dated 23.08.2017 (Annexure P-5) seeking mercy chance to appear in interview as it would not prejudice right of any candidate, owing to the fact that total number of posts advertised were 188 and only 194 persons were called for interview, thus, posts had not been filled up regarding said category.

This court on appreciating contention of counsel for petitioner issued notice of motion. In response to same, written statement has been filed whereby reliance has been laid to notices Annexure R-1 and R-2 specifying that not only one but two chances were given to similarly situated persons, who appeared for scrutiny of documents. One from 5.5.2017 to 11.05.2017 vide Annexure R-1 and another on 19.05.2017 vide Annexure R-2. Petitioner has not availed the remedy, thus, cannot be granted mercy chance.

I have perused paper book and reply and of view that it is undisputed that father of petitioner expired but it was on 25.03.2017 whereas scrutiny of documents was made in May, 2017. No explanation has come forward for not being vigilant and belligerent in visiting website of Haryana Staff Selection Commission. It cannot be stated that petitioner was not aware of the process, as the applications were called through advertisement as well as available on website. As per averments, result was declared on 30.04.2017 whereas writ petition has been filed in September, 2017. Petitioner, according to averments made in written statement, remained absent on 7.5.2017 and subsequently also in July, 2017. Final result for the post of Shift Attendant, as per reply, was not declared.

In view of such circumstances, I do not find any substance in averments made in writ petition. No ground for interference is made out. Writ petition is dismissed.

(AMIT RAWAL)
JUDGE

August 13, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No