

Sr. No.214

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

CWP No. 24120 of 2016 (O&M)

Date of Decision: 20.11.2019

Ravinderjit Singh Panag and others

... Petitioners

Versus

Punjab State Cooperative Supply and Marketing Federation
Limited

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Alka Chatrath, Advocate,
for the petitioners.

Mr. P.I.P.Singh, Advocate,
for the respondents.

ARUN MONGA, J.(ORAL)

1. *Inter alia*, issuance of an appropriate writ to quash the result of Ist counselling contained at Annexure P-7 declared on 11.11.2016 has been sought by the petitioners with a further relief to declare the petitioners eligible for appointment to the posts of Assistant Field Officer, which were advertised pursuant to advertisement dated 06.05.2016 (Annexure P-2).

2. In the course of hearing on 09.05.2019, following order was passed by this Court:-

“CM-6918-CWP-2019

Prayer in this application is for placing on record RTI information dated 26.04.2019 as Annexure P-11.

For the reasons stated in the application, the same is allowed. RTI information dated 26.04.2019 is taken on

record as Annexure P-11.

CWP-24120-2016

Learned counsel for the respondent submits that he is under instructions to state that though the vacancies are available in case the petitioners are found eligible. However, the prayer made by the petitioners cannot be accepted in view of the fact that as on cut off date, they were not eligible to apply for the post of Field Officer, as per the advertisement. He further submits that the requisite qualification prescribed in the advertisement is B.Sc. Agriculture as on 30.05.2016.

Learned counsel for the respondent relies on application, appended as Annexure R-3 with this petition, submitted by one of the petitioners, wherein, he submits that the petitioners projected themselves as Graduate in B.Sc. Agriculture while the same was found incorrect.

Confronted with the situation, learned counsel for the petitioners seeks time to verify the contents of the application (Annexure R-3) by filing replication.

Adjourned to 14.08.2019.”

3. When the case was taken up for hearing today, learned counsel for the petitioners has drawn my attention to a communication/a text message received by one of the candidates contained at Annexure P-3/1, which is stated as under :-

“Dear candidate

Your appln for Markfed is incomplete Pl fill it at earliest before 16/08/2016 using Markfed ID 59138 and password 9478628813

Regards Markfed 10 Aug 3:11 PM”

4. Relying on the above text message, learned counsel for the petitioners argues that the cut off date in the advertisement by the very conduct of the respondent-Markfed stood extended up to 16.08.2016.

5. Having heard rival contentions of learned counsel for the petitioners as also learned counsel for the respondent-Markfed, I am unable to persuade myself with the insipidness of the argument addressed by learned counsel for the petitioners.

6. Clause 16 of the advertisement, in no uncertain terms states that the cut off date for determining the eligibility of a candidate would be 30.05.2016. Clause 16 of the advertisement is as under:-

“16. The last date for receipt of online applications shall be May 30, 2016 (upto 5:00PM). No application shall be entertained after this date. The recruitment shall be made subject to 100% VERIFICATION OF TESTIMONIALS AND LIABLE TO BE DECLARED NULL AND VOID ABINITIO WITHOUT ANY NOTICE WHATSOEVER IN CASE ANY DOCUMENT IS FOUND FAKE OR FORGED, Criminal complaints shall be lodged against such candidates by the Markfed besides civil proceedings to make recoveries of salary and other emoluments paid.”

7. The above text message relied upon by the petitioner cannot be construed to mean that the cut off date has been extended. The text message merely states that certain information provided by the candidate in the application form is incomplete and the same may be completed before 16.08.2016. At best, it would mean that the application of the concerned candidate was kept pending to be scrutinized. However, in order to determine his eligibility as on 30.05.2016, the complete information as per the advertisement was sought. Merely because time for providing information by a candidate was extended, would not, by any

stretch of imagination, mean that the cut off date as per the advertisement has also been extended.

8. Other argument of the learned counsel for the petitioners is that text message read with clause 4 of the advertisement means that cut off date stood extended is equally as valid. Clause 4 of the advertisement is reproduced hereinbelow:-

“4. Request for change/correction in any particulars in the online Application Form shall not be entertained after submission of application form under any circumstances.”

A perusal of the Clause 4, which is reproduced hereinabove, can also not be construed to mean that in case a candidate is allowed to correct the information provided in the application, the cut off date for determining the eligibility would deem to be extended.

9. Both the arguments of the learned counsel for the petitioners are completely devoid of any merit.

10. Writ petition is, accordingly, dismissed.

(ARUN MONGA)
JUDGE

20.11.2019

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No