

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

CWP-6749-2015 (O&M)
Date of decision : 01.07.2019

Baljinder Singh and another

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. H.C. Arora, Advocate for the petitioners.

Ms. Anju Sharma Kaushik, DAG, Punjab.

Mr. Saurabh Goel, Advocate,
for respondent Nos.3 and 4.

JITENDRA CHAUHAN, J.

Prayer in the instant petition is for quashing of Final Merit List dated 14/15.01.2015 (Annexure P-6) for the post of Project Assistants in the General Category and Training Officers (Engineering Technology Module) for BC category as despite being toppers in the written examination, the petitioners were unable to attend the counselling owing to lapse on the part of the respondent-authorities and further to provide another opportunity to the petitioners to attend the counselling.

It is contended that the petitioner came across an advertisement (Annexure P-1) on a website i.e. www.freejobalert.com/dte-punjab wherein, applications were invited for various posts including the posts in question.

The interested candidates were advised to visit <http://dte.applyforexam.com/->

for detailed instructions and submission of online applications. The petitioners visited this website and submitted their online applications. As per the scheme of examination, the written test was to be conducted on 29.11.2014 and after 4-5 days, question papers along with answer keys were provided by the Department on the same website <http://dte.applyforexam.com/> and objections, if any, were to be filed latest by 08.12.2014. Thus, the petitioners after their written examination awaited for the result and final call for interview by regularly visiting website <http://dte.applyforexam.com/> but no information was provided on the website. However, in the month of February, the petitioner came to know from a common friend that the result had already been declared on 14/15.01.2015. The petitioners further found that in fact, the Department had put the tentative merit list of the eligible candidates on website www.dtepunjab.gov.in and also published the same in a national newspaper on 06.01.2015. Thereafter, petitioner No.1 moved a representation dated 11.02.2015 before respondent No.2 requesting for another chance to appear in the counselling but to no avail. Hence, the instant petition.

Learned counsel for the petitioner refers to para Nos.13 and 14 of the advertisement (Annexure P-1) to contend that the merit list of the applicants to be called for interview/counselling as well as the list of selected candidates were to be uploaded on the website of the Department. However, neither in the advertisement (Annexure P-1), nor anywhere else, the address of the website of the department was mentioned. The official website www.dtepunjab.govt.in on which the result was published was

never conveyed to the candidates. Further submits that there were only 75 candidates shortlisted for counselling/interview and the e-mail addresses and mobile numbers of each candidate were available with the Department, still no information was sent to the candidates.

On the other hand, learned State counsel submits that the petitioners being aspirants for the posts in question, were not vigilant. It was clearly mentioned in Note No.14 of the advertisement that the list of selected candidates will be put on the website of the Department. Accordingly, the tentative merit list as well as the final result were uploaded on the department's official website and also published in two leading newspapers.

Learned counsel for respondent Nos.3 and 4 contends that it was the duty of the petitioners to keep visiting the official website of the Department regarding the counselling schedule. The petitioners did not appear for the counselling, therefore, the names of respondent Nos.3 and 4 were considered for appointment in their respective categories.

Heard.

It is admitted fact that it was specifically mentioned in the advertisement (Annexure P-1) that merit list of the applicants to be called for interview/counselling and list of selected candidates will be put on the website of the department. Accordingly, tentative merit lists of three-times of all advertised posts and categories were displayed on website of the department on 05.01.2015. Thereafter, the same were published vide public notice dated 06.01.2015 in leading newspaper in the State of Punjab. The

petitioners did not turn up to attend the counselling and therefore, the next eligible candidates who attended the counselling were given the appointments. A similar controversy arising out of the advertisement in question has been dealt with by a Division Bench of this Court in LPA No.1377 of 2015, titled as ***Monika and others Vs. State of Punjab and others***, decided on 12.10.2015, wherein, it has been held as under:-

“We have heard learned counsel for the appellants and find no merit in the present appeal. The assertion in the writ petition is that the appellants belong to deep rural areas, therefore did not come to know about the dates of counselling, is factually incorrect. All the appellants except appellant No.1 are residents of urban areas i.e. Amritsar, Kapurthala, Ferozepur, Jalandhar, Pathankot etc. Therefore, the assertion that the appellants could not appear for counselling seems to be a made up ground. Once, the appellants have submitted applications for the posts in pursuance of a public notice issued, therefore, the subsequent public notices informing the date of counselling cannot be permitted to be dispute. The appellants have chosen not to appear in the counselling conducted twice over. Once the appellants have failed to appear for counselling and a junior in merit has been appointed, it is the voluntary act of the appellants leading to an inference that the appellants were not ready and willing to offer themselves for appointment.”

The petitioners being aspirants for the posts in question were expected to be vigilant. Having applied for the posts in question, it was

incumbent upon the petitioners to remain alert. The explanation put forth by the petitioners is superficial and does not deserve acceptance.

In view of the above discussion, this Court is of the considered opinion that the instant petition is devoid of any merit and the same is, hereby, dismissed.

01.07.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No