

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: July 16, 2019

1. CWP No.8063 of 2017 (O&M)

Nisha Dahiya & others

...Petitioners

Versus

State of Haryana & another

...Respondents

2. CWP No.8783 of 2017 (O&M)

Neetu

...Petitioner

Versus

Pt. B.D.Sharma University of Health Sciences, Rohtak

...Respondent

3. CWP No.12680 of 2017 (O&M)

Sunil Kumar & others

...Petitioners

Versus

Pt.B.D.Sharma University of Health Sciences, Rohtak

...Respondent

4. CWP No.15608 of 2017 (O&M)

Kaushalya

...Petitioner

Versus

Pt. Bhagwat Dayal Sharma University of Health Science, Rohtak & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Surender Pal, Advocate,
for the petitioners in CWP No.8063 of 2017.

Mr. Robin Singh Hooda, Advocate,
for the petitioner in CWP No.8783 of 2017.

Mr. Sanjeev Kadian, Advocate,
for the petitioners in CWP No.12680 of 2017.

Mr. M.S.Rana, Advocate,
for the petitioner in CWP No.15608 of 2017.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Nilesh Bhardwaj, Advocate,
for the University in CWP Nos.8063, 12680 & 15608 of 2017.

Mr. Dishyant, Advocate for
Mr. Bhuwan Vats, Advocate,
for the University in CWP No.8783 of 2017.

AMIT RAWAL, J.

This order of mine shall dispose of four Civil Writ Petitions bearing Nos.8063, 8783, 12680 and 15608 of 2017 as the common question of law is involved. The facts are being taken from CWP No.8063 of 2017.

The point raised in the aforementioned writ petitions is that respondent No.2-Pt.B.D.Sharma University of Health Sciences, Rohtak while issuing the advertisement No.06/2016 for filling up 535 posts of Staff Nurse along with various non-teaching posts and keeping the reservation, did not fix the criteria.

Mr. Surender Pal, Mr. Robin Singh Hooda, Mr.Sanjeev Kadian and Mr. M.S.Rana, learned counsel representing the petitioners submitted that all the petitioners were eligible for the post of Staff Nurse and applied online for appointment of the said post well in time. The applications were accepted and accordingly admit cards were issued. Written screening test for the said post was held on 12.02.2017. Petitioners stated to have performed well. The result of the screening test was declared on 13.02.2017. All the petitioners scored good marks and were expecting their appointment in the final selection. Reference has been made to paragraph 4 of the petition reflecting the marks obtained in the written screening test, rank and

category. Petitioners were called for document verification/interview as per the schedule given. Petitioners appeared before the interview committee and answered all the questions. Final result was declared on 12.04.2017 on the official website of respondent No.2, but the petitioners were astonished to see that their names/roll numbers were not there in the final result/list of the selected candidates. In fact, respondent No.2 prepared the list of the selected candidates illegally, wrongly, arbitrarily and by manipulating the scored marks of the written screening test and interview. Advertisement did not disclose the marks and criteria for the interview and, therefore, entire selection process is liable to be set-aside.

Per contra, learned counsel for the respondents submitted that as per the note given in the advertisement, it was made clear that for detailed information/instructions, the candidates may visit University website www.uhsr.ac.in. Even the date of interview was also displayed on the website as no separate interview letters were to be sent by post. The last date for receipt of online application was extended upto 20.11.2016 due to increase of number of posts of clerks, Care-taker, Store Keeper and Receptionist and further extended to 30.11.2016. In view of the notification dated 19.07.2016 issued by the Health Department, the Government decided to relax the upper age limit up to maximum of five years for the candidates who have rendered service in a Reproductive and Child Health/National Rural Health Mission/National Health Mission Projects or under any Health Department of any State Government or Central Government. The process of selection and appointment was extremely fair, reasonable, transparent and in consonance with the spirit of the Constitution.

It was further submitted that Condition Nos.1, 2, 10 and 11

pertained to non-teaching posts. Pre-merit criteria for selection to various non-teaching (technical & non-technical) posts was duly approved by the Executive Council of the University vide Resolution No.54 of its 14th meeting held on 21.03.2012 and it was very much uploaded on the University website even before advertisement of the posts for information of the applicants and general public. Once the interview criteria for appointment of non-teaching employees was already uploaded on the University website, therefore, the petitioners cannot be permitted to raise the plea that they were not aware of the same. Even once they had acquired the knowledge of interview, cannot challenge the advertisement on the ground of non-specification of the criteria.

I have heard the learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions of the learned counsel for the petitioners and the writ petitions deserve to be dismissed.

It would be apt to reproduce the relevant portion of the advertisement. The same read thus:-

**“PT. B.D.SHARMA UNIVERSITY OF HEALTH SCIENCES,
ROHTAK**

Advt.No:UHSR/Rectt./06/2016

Closing Date: 07.11.2016

Online applications are invited for the following Non-teaching posts. All the applications must be submitted online from 30.9.2016 to 07.11.2016 at 11.59 PM through the link www.uhsr.ac.in Manual applications will not be accepted. Applicants must read the instructions carefully before proceeding to fill the form. Eligibility criteria are listed in the instructions. Only eligible candidates can apply. The detailed information/instructions are available on the university website

www.uhsr.ac.in. Date of interview schedule shall be displayed on the website www.uhsr.ac.in. No separate interview letter will be sent by post.”

xxx

xxx

xxx

1. These posts will be governed by Rules & Regulations of Pt.B.D.Sharma University of Health Sciences, Rohtak Act, 2008 as amended from time to time.

2. Date of written/screening test (if required) and interview schedule shall be displayed on the website www.uhsr.ac.in. Interview call letters and other update will be available on the login of the applicant. Notifications/updates will also be uploaded on the university web portal www.uhsr.ac.in. No separate letters will be sent by post, hence the applicants are advised to check the website periodically.”

11. Mere submission of the online application, permission for appearing in written/screening test and call for interview does not mean that the applicant is eligible for the post applied for. The eligibility shall be verified just before the interview as per the qualifications, experience and other terms and conditions given in the advertisement.”

It is the case where the petitioners have though participated in the selection process and once having not been found eligible in the list of successful candidates and merit list volte-faced and decided to challenge by raising the plea that the respondents failed to fix criteria which is mandatory requirement of law. The conditions extracted above, leave no manner of doubt that the advertisement clearly envisage of uploading information and notification, much less the date of interview and test. Even the criteria was also uploaded on the website. Once no separate letters were issued for interview and only the date was uploaded on the website, the petitioners cannot be permitted to raise the plea that they were not aware and had not appeared in the interview. All of them have appeared in the interview and,

thus, have the knowledge of criteria uploaded on the website. The apprehension expressed in the petitions is farfetched and, therefore, cannot be brought under the scrutiny of judicial review by this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

For the reasons stated above, I do not find any substance in the submissions of the learned counsel for the petitioners. The petitions are devoid of merit and the same are accordingly dismissed.

July 16, 2019
ramesh

(AMIT RAWAL)
JUDGE

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