

S.No.114

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

CWP No.1240 of 2021 (O&M)

Date of Decision:19.01.2021

Poonam and others

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Vivek Salathia, Advocate for the petitioners.

Rajbir Sehrawat, J.(Oral)

This is a petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of notice dated 28.12.2020 vide which respondent No.2 is holding re-examination for the post of Art & Crafts Teachers in pursuance to the order dated 10.11.2020 passed by this Court in LPA No.359 of 2015.

The petitioners have raised a contention that respondent No.2 has issued roll number for the said exam even to the persons who are, per se, ineligible. Still further, it is submitted that in other exams, more time is being given by the respondent-Commission to solve the same number of multiple choice type questions whereas in the present case, lesser time is being given. It is further submitted that acting at par with other exams, the documents verification should be conducted before holding of exam.

After having perused the file and after having heard counsel for the petitioners, this Court finds that so far as the prayer of the petitioners qua grant of less time is concerned it is without any force. Once a time is

being uniformly being given to all the candidates in a particular exam, then no person can raise a grievance. The merit of the candidates is to be determined with reference to their performance in the exam of the same duration. Moreover, there is no provision or principle of law under which Court can force the respondent-Commission to grant a particular duration of time for an exam. Hence, this contention of counsel for the petitioners is liable to be rejected.

So far as the argument of counsel for the petitioner qua the ineligible candidates being permitted to appear in exam is concerned, needless to say that the respondent- Commission would be duty bound to permit only those persons who fulfill the qualification prescribed in the advertisement. Therefore, the respondent- Commission is duty bound to scrutinize the application of all the candidates qua their eligibility before issuing any appointment letter to the candidates. Hence this is not the stage for the Court to examine the eligibility or ineligibility of any candidate qua the conditions laid down by the respondent- Commission in the advertisement. The prayer of the petitioners is premature and is based only on apprehension.

Although the counsel for the petitioners has also raised another contention, that the document verification in another exam is being conducted before holding of the test and, therefore, in the present case also the same procedure should be followed, however, this Court does not find this prayer to be acceptable. It is for the respondent- Commission to devise any fair method for the selection. Moreover, the procedure adopted in one

case of a particular selection, is not required to be necessarily followed in another selection as well. Hence, even this submission of the counsel for the petitioner is without any substance.

In view of the above, finding no merit in the present petition, the same is dismissed.

January 19, 2021	(RAJBIR SEHRAWAT)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No