

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

CWP-15557 of 2021 (O&M)

Date of decision: 13.08.2021

Rohit Kumar

...Petitioner

Versus

Haryana Public Service Commission, Panchkula

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Rajesh Hooda, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Petitioner Rohit Kumar has filed the present civil writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned announcement and letter dated 22.07.2021 (Annexure P-10 and P-11 respectively) whereby the candidature of the petitioner has now been rejected for non-submission of hard copy of the application form pertaining to advertisement No.1/2018 dated 21.07.2018 (Annexure P-1) as the last date of submitting the online applications was 20.08.2018 and at that time, there was no requirement of sending the hard copy of the application form and for that reason, the petitioner had applied online on 15.08.2018. He has further craves for a writ in the nature of mandamus directing the respondent to supply hard copy of application form to the petitioner, which was filled by him online so that he can submit the self attested hard copy of the same to the Commission as required by them

now after about 03 years.

According to the petitioner, one post of Manager (Electrical) was advertised by Haryana Public Service Commission, Panchkula for appointment in HSIIDC, though, vide corrigendum dated 15.06.2019, the number of post was increased to two; the petitioner belonging to general category had submitted his application online with all documents and deposited the requisite fee on 15.08.2018; suddenly, after 03 years, an announcement was published on the Website of the Commission on 12.02.2021, vide which all the candidates who had applied online, were advised to send the self attested hard copy of the application form submitted online along with certificates. According to the petitioner, he has misplaced hard copy of the application form, which he could not locate and he had approached the respondent that hard copy of application form be supplied to him along with other documents, which he can self attest but to no effect, rather, his candidature has been rejected, which according to him is wrong and illegal.

I have heard learned counsel for the petitioner and on being asked, Mr. Sharad Aggarwal, AAG, Haryana has also provided assistance.

Learned State counsel has pointed that in the advertisement inserted by the respondent, copy of which has been placed on record as Annexure P-2 by the petitioner himself, as per General Instructions to the candidates mentioned therein, the candidates were advised/directed to retain printed/hard copies of their online application form with them, so that they should not face any problem in sending the hard copy to the

Commission as and when required by the Commission at later stage with the specified period. It was further provided that in case the candidate fails to submit the hard copy of the application form along with all documents, the candidature of such candidate should not be considered in the further selection process and he/she would be liable for being placed as not qualified for interview and thereby rejected.

Learned State counsel has contended that right from the beginning, the Commission has informed the candidates regarding necessity of retaining the printed/hard copies of online application form and the petitioner cannot say that he was not aware of the same. The petitioner having not complied with the requirement of submitting self attested application form along with certificates within the stipulated time, his application was rightly rejected and now he cannot ask the respondent to supply him hard copy of the application form, which he can then submit after self attesting the same.

Learned State counsel has further contended that as per list of the applicants whose applications have been rejected, which has been attached with the writ petition, there are 134 candidates in List-I, one candidate in List-II and 19 candidates in List-III and if request of the petitioner is accepted, then all the other applicants whose applications have been rejected, would also lay the same claim, leading to chaotic situation.

Considering the rival contentions and going through the record, I find that the petitioner by not complying with the requirement of

submission of self attested hard copy of the application form within the stipulated period, no fault can be found with rejection of his candidature and no ground is there to issue any direction to the respondent to supply copy of hard copy of the application form to the petitioner to enable him to submit the same after self attesting it, since the last date for doing so has already been elapsed. No ground is there to exercise writ jurisdiction as prayed for. Finding no merit in the present writ petition, the same stands dismissed accordingly.

13.08.2021

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(H.S. MADAAN)
JUDGE

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