

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

CWP-24910-2021(O&M)

Date of decision:-9.12.2021

Darshan Singh

...Petitioner

Versus

Haryana Staff Selection Commission and others

...Respondents

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

Present: Mr.Arvind Seth, Advocate
for the petitioner.

Mr.Sharad Aggarwal, AAG, Haryana.

H.S. MADAAN, J.

1. Petitioner – Darshan Singh had appeared in the examination in pursuance of the advertisement No.11 of 2019 for selection of Lower Division Clerk (Head Office Cadre) for Haryana Vidyut Prasaran Nigam Ltd., Panchkula under the category of physically handicapped and scheduled caste; he was declared as a successful candidate; the successful candidates were invited for scrutiny of documents on 27.2.2021; the petitioner did not appear for scrutiny of documents on that date; Haryana Staff Selection Commission, Panchkula (hereinafter referred to as the Commission), which was carrying out the selection process issued various notices dated 27.2.2021, 10.3.2021 and 22.3.2021 for calling absentee candidates for scrutiny of documents on various dates i.e. 4.3.2021,

13.3.2021 and 23.3.2021; the petitioner did not appear on such dates; the final result for the post was declared on 3.4.2021, which was on the basis of written examination, scrutiny of documents and socio-economic criteria.

2. The roll number of the petitioner did not figure amongst the successful candidates in the final result. He had filed CWP No.13798 of 2021 on 19.7.2021 in this Court praying that Commission be directed to do his document verification and if found eligible for the post, then his name be shown at appropriate place in the merit list. He had further prayed that his representations dated 6.6.2021 and 25.6.2021 be got decided. That writ petition was disposed of directing Commission to decide the representations dated 6.6.2021 and 25.6.2021 by passing a speaking order within a period of four weeks from the receipt of copy of that order. Accordingly vide speaking order dated 9.11.2021, copy of which has been placed on record by the petitioner as Annexure P30, the Commission had rejected the representations mainly on following grounds:

(i) The Commission gave various chances to absentee candidates including the petitioner for scrutiny of documents but petitioner did not avail of such opportunities.

(ii) The Commission had not given personal/individual notice to any candidate through SMS/Email/postal, rather notices were published on official website of the Commission and it was duty of the candidates to stay aware about the information published on the official website.

(iii)The entire selection process is complete inasmuch as final result for the post was declared on 3.4.2021, whereas petitioner had approached the Commission on 6.6.2021 and 25.6.2021 after completion of the selection process.

(iv)The claim of the petitioner is liable to be rejected in view of judgment passed in CWP No.1379 of 2017 titled as ***Rekha Jangra Versus the State of Haryana and others*** passed by this Court wherein under similar circumstances, it was observed that once the respondents had published the result in a newspaper, nothing further could be expected from them and that the contention that respondents should have inform the selected candidates individually is not requirement of law. It was further observed that the UPSC had rejected the candidature of 45 persons due to non-submission of the required documents and/or submission of documents in the wrong format and if any relief is granted to the respondents in the writ petition, it would be appropriate to grant a similar relief to other similarly placed candidates, some of whom may not have approached the Tribunal for relief and if that exercise were to be undertaken, perhaps the entire examination, for the sake of accommodation a few persons such as respondents, would require to be cancelled, which was neither in the interest of candidates, who have qualified nor in the public interest.

(v)The contention of the petitioner that one candidate, who has been selected in OH category has not joined till date and if he does not submit his joining then the petitioner should be given opportunity

for scrutiny and his name be mentioned in the waiting list. In that regard, no such intimation letter had been received from the concerned department.

(vi) If any absentee candidate like petitioner is given chance at this stage i.e. after declaration of final result then every other absentee candidate will claim chance to appear for selection process from the stage where they were absent and were not able to be selected in final result for that reason and if absentee candidates are given chances after declaration of final results, then results will be kept being revised and would not be finalized for any post.

3. Against that order the petitioner has filed the present civil writ petition.

4. I have heard learned counsel for the petitioner besides going through the record and I find that the writ petition is absolutely without any merit.

5. The impugned order is quite detailed, well reasoned and does not suffer from any illegality or infirmity. The notices had been put on official website of the Commission and petitioner should have been vigilant enough to watch those on the official website. His negligence and callousness cannot be rewarded by giving him another chance for scrutiny of his documents and participating in the selection process, which has since been completed.

6. Learned counsel for the petitioner has contended that on account of suffering from dental problem and looking after his wife, who was in family way, the petitioner could not appear for scrutiny of

documents. This contention is self-contradictory inasmuch as on one hand the petitioner is saying that he was not aware of the dates fixed for scrutiny of documents and on the other hand, he is saying that on account of his wife being in family way requiring complete bed rest and being looked after by him and on account of dental surgery, he could not appear for scrutiny of documents. It seems that petitioner has invented such reasons to offer some plausible reason for his failure to appear before the Commission on the original date and extended dates for scrutiny of documents. He cannot possibly succeed by taking such type of pleas, which are nothing but empty excuses.

7. Another argument put forward by learned counsel for the petitioner was that the Commission should have notified the dates of scrutiny of documents in the newspapers, which it did not do, therefore the petitioner could not become aware of the dates and could not appear before the Commission for scrutiny of documents. Again I do not find myself in agreement with learned counsel for the petitioner in that regard.

8. As regards Clause 9 in the advertisement in question, copy Annexure P11 pointed out by learned counsel for the petitioner, which for ready reference is as under:

9. *No individual information at any stage shall be sent and hence all candidates should regularly visit the Website & Public Notices in different Newspapers.*

9. That rather goes against the case of the petitioner. The petitioner was not required to be informed individually with regard to the dates fixed for scrutiny. This condition nowhere provides that the

Commission was required to notify the results in different newspapers rather the candidates should have been aware that they should regularly visit the website of the Commission and public notices in different newspapers. Inserting the notices on the official website of the Commission meets the necessary requirement. In today's world where paperless work is being encouraged and more and more things are tried to be done electronically and digitally, the petitioner want to take advantage of his own negligence and callousness, he cannot be allowed to do so.

10. As regards the judgment **Sarup Singh Versus The Punjab State Agricultural Marketing Board** passed by Single Judge of this Court in CWP No.856 of 1988, that judgment does not help the petitioner in any manner due to the different facts and circumstances and the context in which such observations had been made.

11. Furthermore, it needs to be mentioned here that merely by clearing written test does not bestow any valuable right upon any candidate unless the entire process is complete by way of scrutinizing relevant documents including educational qualifications, certificate with regard to category under which the candidate had applied and seeing the economic status of a person etc. The petitioner in this case has just cleared the written test, whereas not participating in the process of scrutiny of documents. Therefore, non-mentioning of his name in the list of selected candidates cannot leave him aggrieved. As rightly observed in the impugned order if prayer of the petitioner is allowed that may open the pandora-box and several other candidates may approach the Court with similar prayer, in the end nullifying the selection process, which in this

case has already been completed.

12. Even otherwise, a writ is to be issued in exceptional cases and not in routine. Here I do not find any reason to exercise such power.

13. The instant writ petition is dismissed accordingly.

9.12.2021

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No