

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

112

CWP No.3938 of 2022 (O&M)
DATE OF DECISION: 08th APRIL, 2022

Monu Yadav

.... Petitioner

Versus

Union of India

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ran Vijay Singh, Advocate for the petitioner.

Mr. Arvind Seth, Advocate for the respondent.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing the respondent to admit the petitioner and to allow him to appear for stage II part (III) medical examination and stage III and beyond (that is to take place in April 2022), of the selection process for the post of Navik (Domestic Branch) in 01/2022 batch, with a further prayer to direct the respondent to keep one seat reserved/unoccupied for the petitioner until the pendency of this petition.

The case of the petitioner is that the candidature of the petitioner for the post of Navik (Domestic Branch) has wrongly been rejected, just because of a *bond fide* mistake of petitioner which happened while uploading the online application form.

The counsel for the respondent has pointed out that the stage of selection has already reached the final stage; where only 75 candidates

have been called for final medical examination to select only 50 candidates. If the petitioner is to be taken to that stage, he will have to clear two more stages, including the physical efficiency test, which cannot be held separately for the petitioner alone. However, the basic argument of the counsel for the respondent is that since the petitioner had not uploaded the photo identity card, which was prescribed to be a compulsory document, leading to cancellation of the candidature of a candidate in case of failure of uploading the said document, therefore, the candidature of the petitioner has rightly been rejected.

Although, the respondent might not be able to defeat the claim of the petitioner on the ground taken by it, however, the writ petition filed by the petitioner has to fail for another reason; that two more stages in the process of selection have intervened in between and the petitioner has missed the assessment in those stages. At this stage, it would not be appropriate to re-conduct the process for the petitioner alone. Hence, the petition is liable to be dismissed.

Although, the petitioner may have failed in his petition, however, the respondent also cannot be excused for its casualness in preparing an inefficient and deficient digital platform for uploading of the documents by the candidates, who might not even be much aware about the digital aspects of the uploading of the application form. When the respondent was requiring the candidates to upload the documents; with a serious consequence of cancellation of candidature in case of failure of uploading a document, the least it was expected from the digital platform of the respondent is; that the application form itself should not be able to be uploaded unless all the documents are properly uploaded and checked

in by the candidate. This inefficient digital platform created by the respondent has virtually played havoc with number of candidates, as has been pointed out by the counsel for the respondent himself, leading to number of court cases. Hence, the respondent also deserves a direction to remove this deficiency and to create an efficient digital platform; leaving no scope for uploading of the application form unless all the compulsory documents are uploaded by the candidate.

In view of the above, the present petition is dismissed, qua the claim of the petitioner.

However, the respondent is directed to create a digital platform which ensures that the application itself is not uploaded; unless all the compulsory documents are uploaded by the candidate. The said platform should also display a dialogue; warning the candidate qua mandatory nature of uploading of the document, at each and every stage of uploading of the documents, till the concerned document gets properly uploaded. This direction is necessary in view of the fact that the candidates may not even be so much aware about the consequences of any *bona fide* or inadvertent mistake.

The respondent is directed to file the status report regarding creation of digital platform in the above said format and to present a demonstration before this Court on 24.05.2022.

08th APRIL, 2022
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(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>