

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

CWP-3755-2022

Date of Decision: 30.03.2022

NAVEEN KUMAR

..... Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Priyavrat Prashar, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

LISA GILL, J.

Prayer in this writ petition is for directing respondent no.2 to allow scrutiny of documents of the petitioner.

Learned counsel for the petitioner submits that the petitioner applied for the post of Sheet Metal Worker Instructor (Theory), pursuant to advertisement No.12/2019 dated 20.07.2019. It is submitted that petitioner took the written examination and cleared the same. Petitioner was called for scrutiny of documents from 24.09.2021 to 01.10.2021 but as he was unfortunately suffering from typhoid and intestinal infection during this period he could not submit for scrutiny of documents. Thereafter, another opportunity for scrutiny of documents was afforded from 13.11.2021 to 15.11.2021 but the petitioner was again unfortunately afflicted with residual ailment of his typhoid. Reference is made to the medical record dated 11.11.2021. As the documents which had to be uploaded online could not be submitted for scrutiny, petitioner, it is stated, submitted numerous representations for scrutiny of his documents, before the Chairman, Haryana Staff Selection Commission, which are attached with this writ petition, but to no avail.

The petitioner, it is submitted, belongs to a rural background and he does not live in an area where there is an efficacious internet connection and neither does the petitioner have the adequate setup including scanner etc. for uploading the documents. It is to be noted at this stage that the documents had to be uploaded online by the candidates for the purpose of scrutiny. It is submitted that due to his ill-health, petitioner could not go to a nearby town for scanning and uploading of his documents at the relevant time. Moreover, the petitioner having successfully cleared his written examination has nothing to gain by not uploading his documents for scrutiny. In similar circumstances, documents of certain other candidates, it is stated, had been subjected to scrutiny at a subsequent stage. At this point of time, final selection list has not been declared, therefore, no prejudice would be caused in case petitioner's documents are subjected to scrutiny. It is thus prayed that this petition be allowed and respondent no.2 may be directed to allow the petitioner to submit for scrutiny of his documents.

Though, notice of motion had not been issued in this writ petition, an advance copy of the petition having been supplied to the State, learned counsel for the State was directed on 25.02.2022 to seek instructions whether similarly situated candidates' representations had been considered, as was averred by the petitioner. Learned counsel for the State, on instructions of Mr. Ramnish, ADA, Haryana Staff Selection Commission, submits that documents of none of the candidates applying for the post of Sheet Metal Worker Instructor (Theory) had been subjected to scrutiny at a subsequent stage.

Learned counsel for the petitioner has furnished copy of order dated 13.12.2021 in CWP-25199-2021, wherein a candidate who had

applied for the post of Mechanics/Electronics Instructor (Theory) pursuant to the same advertisement No.12/2019 dated 20.07.2019, due to family reasons came to know of the result at a later stage and therefore, could not submit for scrutiny of documents, had approached the Court. Said writ petition was disposed of with a direction to the Competent Authority to look into the grievance of the petitioner as per his representation.

CWP-1523-2021 was filed by a candidate applying for appointment to the post of Librarian under the same advertisement No.12/2019 and having successfully cleared the examination with the averment that she could not submit for scrutiny of her testimonials due to imposition of the lock-down. Said writ petition was disposed of on 22.02.2021 on the statement of learned counsel for the State, on instructions from the Legal Assistant, Haryana Staff Selection Commission that it was decided to grant an opportunity to the said petitioner to come for scrutiny of documents and the decision had been taken in view of the peculiar facts and circumstances of the case but would, however, not be treated as a precedent.

Keeping in view the facts and circumstances, it is apparent that the petitioner has nothing to gain by not uploading the documents for scrutiny at the relevant time. There is nothing on record to disbelieve the version of the petitioner that he belongs to a rural background and at the relevant time did not have access to the necessary technological knowhow for scanning and uploading the relevant documents. It is not denied by learned Counsel for the State that the final selection list is yet to be declared. In this view of the matter, it is considered just and expedient that the petitioner be given one opportunity to present his documents for scrutiny.

In case, the petitioner presents his documents for scrutiny, within a week, the same be subjected to scrutiny in terms of the advertisement and the applicable rules and provisions.

Writ petition is disposed of accordingly.

30.03.2022

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No