

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

CWP-7983-2022

Date of Decision: 21.04.2022

Dr. Kanika Kapoor

... Petitioner

Vs.

Chandigarh Administration and others

... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Rajneesh Malhotra, Advocate
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

The petitioner has filed this petition under Articles 226/227 of the Constitution of India for issuance of a writ of certiorari for quashing the notice dated 16.03.2022 (Annexure P-4) passed by the Director Principal, Government Medical college & Hospital, Chandigarh, Hospital Building, Sector-32B, Chandigarh, whereby the written test for post of Resident Pathologist and Demonstrator (Pathology) was postponed to 21.03.2022 from 23.02.2022.

Notice of motion.

Mr. Anil Mehta, Sr. Standing Counsel for U.T. Chandigarh, accepts notice on behalf of the respondents. It is submitted by the learned counsel for the respondents that, of course, the initial notice had specified the date of written examination as to be held on 23.03.2022, however, the said date was postponed by issuing a public notice. The notice was hosted on the web site of the respondent-Medical College and Hospital. Hence, there is no illegality or concealment on the part of the respondents. The petitioner was also intimated to download the Admit card and she was free to download her admit card for appearing in the test; alongwith the other

candidates. It is further submitted that other candidates had duly taken note of the preponement notice and had appeared in the examination. The said examination stands already held. The respondents had no ill will against the petitioner, in any manner.

In view of the fact that respondents had issued a public notice which is duly hosted on the web site by the respondent, this Court finds that there is no illegality in preponing the date of written test, as such. The very fact that the notice was hosted on the web site of the respondents tantamount to issuance of a public notice, whereas, there is an inaction on the part of the petitioner in not checking the web site of the respondent, particularly when the entire process, right from the stage of filling up of the application form till the end is stated to be an online process. Mere inaction of the petitioner in not checking public notice issued by the respondents cannot shift the blame to the respondents. The petitioner cannot take advantage of her own inability or inaction in not checking the public notice issued by the respondents.

In view of the above, finding no merit, the instant writ petition is dismissed.

21.04.2022

rajeev

Whether speaking/reasoned

Whether reportable

(RAJBIR SEHRAWAT)
JUDGE

Yes/No

Yes/No