

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

CWP-7889-2022

Date of decision : 21.04.2022

Jitender Chauhan

.....Petitioner

Versus

State of Haryana and others

....Respondent

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Y.P. Singla, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

Mr. Kanwal Goyal, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this writ petition is for issuance of the writ of mandamus to allow the petitioner to apply for the main examination of the Haryana Civil Services (Judicial Branch) 2020-2021 and to issue him the admit card to participate in the main examination after he having been declared passed in the supplementary result, in the light of the grace marks which have been awarded to all the candidates.

It is an admitted position that initially, when the result was declared, petitioner who had participated in the preliminary examination had not made the benchmark under the scheduled castes category. However, with the grace marks having been allowed by this Court, the result was revised and declared on 04.03.2022. In pursuance to the said revised result, the petitioner made the grade and had attained the requisite minimum cut off marks. The date which was fixed for initially applying for the main examination was 16.03.2022 to 25.03.2022 and, thereafter, it was extended

to 31.03.2022 till 11.55 p.m. Petitioner states that he could not submit his application because of the fact that the e-mail which was sent to him could not be seen by him as his parents were hospitalised and as a consequence he did not get to know that he had cleared the preliminary examination. It is subsequently on 08.04.2022, that he came to know about the declaration of the revised result from a friend of his, who had come to his house to visit his parents. Immediately, the petitioner approached the Haryana Public Service Commission on its website for submitting his application form but the same could not be uploaded because of the fact that the period for uploading the form had already expired.

Counsel contends that the reason for not uploading the form on time was beyond the control of the petitioner as these were certain peculiar circumstances because of which he did not get to know of the fact that he had cleared the preliminary examination and was eligible to apply for the main examination. Despite his request made to the Haryana Public Service Commission as also the High Court, when no response was received, it is at this stage, the petitioner had filed the present petition. Counsel contends that keeping in view the peculiar facts and circumstances of the present case, a mandamus be issued to the respondents to accept the application form of the petitioner by permitting him to submit the same at this stage, as till date the scrutiny of the application form is in progress and no admit card has been issued.

Yesterday, when the case was taken up for hearing, counsel who had put in appearance on behalf of the High Court-respondent No.2, was called upon to take instructions from the Haryana Public Service Commission as to the result of the application of the petitioner, which he

had submitted for permitting him to fill in his application form. Mr. Kanwal Goyal, Advocate contends that the request of the petitioner cannot be accepted in the light of the settled proposition of law, where once the last date for submission of an application has been fixed, the same cannot be extended. The reason which has been assigned by the petitioner for non-submission of the application form cannot be said to be of such a nature where the petitioner was handicapped or faced such a situation that he could not have taken care and caution for applying for the main examination.

Having considered the submission made by the counsel for the parties and keeping in view the initial cut off date which was fixed which also has been extended as mentioned above, we do not find any justifiable reason for accepting the prayer as has been made in the present petition, specially in light of the various judgments passed in this regard, one of which is '*Saket Sheoran Vs. Haryana Public Service Commission and another*' in *LPA-1516-2017* decided on 03.03.2022, where relying on the Full Bench Judgment of this Court in '*Rahul Prabhakar Vs. Punjab Technical University, Jalandhar AIR 1998 (Punjab & Haryana) 18*, it has been held that the cut of date fixed for receipt of applicant from is sacrosanct and the same has been to be respected and followed strictly.

The present writ petition in these circumstances stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

April 21st, 2022

ps-I

Whether speaking/reasoned :

Whether Reportable :

(SANDEEP MOUDGIL)
JUDGE

Yes

Yes

No

No