

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

116

Civil Writ Petition No.10278 of 2022
Date of Decision: May 13th, 2022

Sagar

...Petitioner

Versus

Haryana Public Service Commission, Panchkula

...Respondent

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

Present: Mr. Sachin Kaushik, Advocate
for the petitioner.

Ms. Harpriya Khaneka, Advocate
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for issuance of a writ of *mandamus* directing the respondent to permit the petitioner to apply for and appear in the Haryana Civil Services (Judicial Branch) Mains Examination 2021 to be conducted on 20.05.2022 to 22.05.2022.

2. It is the case of the petitioner that the petitioner participated in the preliminary examination which was held by the Haryana Public Service Commission. The result of the preliminary examination was declared on 07.12.2021. Thereafter the result was revised on 08.02.2022 (Annexure P-6) and thereafter on 04.03.2022 (Annexure P-7). On the earlier two occasions, petitioner was not found to be eligible for taking the mains examination. Petitioner thereafter was declared qualified for the mains examinations in the result which was declared on 04.03.2022. This revised result petitioner unfortunately failed to check and, therefore, could not apply within the stipulated time. The mains examination for the HCS (Judicial Branch) was fixed for 06.05.2022. Petitioner, having lost all hope, had given up the claim

for participating in the mains examination, however, some of the candidates approached the Hon'ble Supreme Court by filing *Writ Petition (Civil) No.310 of 2022* titled as *Nisha Kumari and others Versus Haryana Public Service Commission and another* praying for postponement of the examination on the ground that the preliminary examination of the Madhya Pradesh Civil Judge Junior Division (Entry Level) Exam-2021 was scheduled for 06.05.2022 and there was a clash of dates. The said petitioners intended to participate in the said preliminary examination as well. The Hon'ble Supreme Court proceeded to postpone the examination and fresh dates were given for holding the examination as 20.05.2022 to 22.05.2022. This kindled the hope and the petitioner has approached the Haryana Public Service Commission for submission of his application for participating in the mains examination. The said request/approach of the petitioner to the Haryana Public Service Commission did not result in bearing fruit leaving him with no option but to approach this Court by way of present writ petition.

3. Learned counsel for the petitioner submits that the petitioner having qualified the preliminary examination, must be given an opportunity to participate in the mains examination, which is now slated for the dates referred to above i.e. 20.05.2022 to 22.05.2022 and, therefore, a *mandamus* may be issued to the Haryana Public Service Commission to accept his application.

4. This contention/submission of the counsel for the petitioner cannot be accepted in the light of the fact that the petitioner has slept over his rights. He intends to become a Judicial Officer and a person, who is unable to fill up his form within the time as has been stipulated, cannot be

expected to perform his duties which would be assigned to him and is required to perform as a Judicial Officer. Further a cut-off date is fixed which is sacrosanct and has to be adhered to so that the process of the examination can be carried out. In case the prayer of the petitioner is accepted, there will be no end to the process and every time the Haryana Public Service Commission or any exam conducting authority would be left in the lurch as it is merely not the submission of the application but thereafter the whole planning and processing has to be done which cannot suffer because of a candidate, who had been lethargic and has been sleeping over his rights. The date fixed and the schedule kept therein has to be adhered to and need to be respected.

5. In the light of the above, we do not find any merit in the present writ petition and, therefore, dismiss the same.

(AUGUSTINE GEORGE MASIH)
JUDGE

May 13th, 2022
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No