

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-12594-2022

Date of Decision: 02.06.2022

KIRAN

..... Petitioner(s)

Versus

HARYANA STAFF SELECTION COMMISSION AND ANOTHER

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Sonia G. Singh, Advocate
for the petitioner.

LISA GILL, J.

Prayer in this writ petition is for setting aside announcement/result dated 20.04.2022 (Annexure P-6) to the extent that candidates in the EWS category, who are less meritorious than petitioner, have been declared selected.

Learned counsel for the petitioner submits that petitioner being fully eligible for the post of Employability Skill Instructor, applied for the same, pursuant to advertisement no.12/2019 dated 20.07.2019 issued by the Department of Skill Development and Industrial Training, Haryana. Petitioner took the written test on 20.02.2020. It is submitted that petitioner was blessed with a child on 18.12.2021, which was delivered through C-Section (Caesarean). It is further submitted that petitioner was one of the short-listed candidates as per list released on 08.02.2022, attached as Annexure P-4. The candidates were directed to fill-up the scrutiny forms and upload all documents through the website of the Commission from 12.02.2022 to 20.02.2022. Scrutiny was to be carried out online. Learned

counsel for the petitioner submits that petitioner did not come to know about release of this list in February, 2022 due to delivery of her child and petitioner was never intimated personally of the result. Moreover, the link for filling up the scrutiny form was available only for about 14 days. Final result has been declared on 20.04.2022, which reveals that the last selected candidate has obtained only 46 marks, whereas petitioner, it is submitted has secured 55 marks. Learned counsel for the petitioner contends that petitioner could not submit her documents for scrutiny due to reasons beyond her control and it was not due to any negligence on her part, therefore, in case, candidates having less merit are selected, there shall be clear-cut violation of Article 14 and 16 of the Constitution of India. It is thus, prayed that this petition be allowed and final result-cum-selection list dated 20.04.2022 be quashed and respondents be directed to declare the petitioner qualified for appointment to the post of Employability Skill Instructor.

I have heard learned counsel for the petitioner and have gone through the file with her able assistance.

It is a matter of record that petitioner applied for the post of Employability Skill Instructor. Petitioner has admittedly taken the written examination on 20.02.2020. It is not denied that petitioner after issuance of the list of short-listed candidates on 08.02.2022, took no steps for uploading her documents for scrutiny. It is to be noted that it is specifically mentioned in notice dated 08.02.2022 (Annexure P-4) as under:-

'1. The candidates are not required to physically appear/present in office of Commission with documents as the scrutiny will be carried out online only and no documents will be taken through offline mode/manually. Candidates can fill scrutiny form and upload documents

through website of Commission from 12.02.2022 to 20.02.2022.

2. The candidates are also advised to upload documents online from 12.02.2022 to 20.02.2020 after which link shall be disabled.

3. In case a candidate does not Upload Documents for online Scrutiny of Documents, no further opportunity will be given thereafter.'

It is relevant to note at this stage that it is categorically mentioned in note no.9 of the advertisement dated 20.07.2019 (Annexure P-1) itself that '*no individual information at any stage shall be sent and all candidates are advised to regularly visit the website and check public notices in different newspapers*'. Therefore, no blame can be laid at the door of the respondents for the inability of the petitioner to have uploaded the requisite documents for scrutiny. Petitioner's child having been delivered on 18.12.2021, there is nothing on record to indicate that she was incapacitated till 20.02.2020 in such a manner that she could not have uploaded her documents for scrutiny as required. Final result for the post of Employability Skill Instructor has admittedly been declared on 20.04.2022. Petitioner having failed to adhere to the stipulated time lines is not entitled to any indulgence at this point of time. Learned counsel is unable to point out infringement of any vested right of the petitioner giving rise to any cause of action.

No other argument has been addressed.

Therefore, this writ petition being devoid of any merit is dismissed with no order as to costs.

02.06.2022

Sunil

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

(LISA GILL)
JUDGE