

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

**CWP No. 19905 of 2021 (O&M)
Date of Decision: 16.11.2022**

Jatin Balu

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sarju Puri, Advocate
for the petitioner.

Mrs. Akshita Chauhan, DAG, Punjab.

JAISHREE THAKUR, J.

1. By way of instant writ petition, the petitioner has sought for issuance of a writ in the nature of Mandamus directing the respondents to grant a special chance to the petitioner to appear in the written as well as physical screening test in respect of post of Police Constable (District Cadre) in Punjab Police, keeping in view the fact that the petitioner is fully eligible for the said post and to appoint him to the said post.

2. In brief, the facts are that the petitioner applied online for the post of Police Constable in District Police Cadre and Armed Police Cadre of Punjab Police, 2021, in pursuance of Advertisement No. 2/2021, published on 16.7.2021 and also paid requisite fee of ₹500/- (P-1). As per the criteria mentioned in the recruitment advertisement, the written test was scheduled to be held on 25.9.2021 and 26.9.2021. On 20.9.2021, respondent No. 3 issued/uploaded the admit cards of the candidates on the official portal of

the Punjab Police, but it is stated that admit card of the petitioner was not uploaded on the official portal. Faced with the situation, on 20.9.2021 itself, the petitioner raised a grievance with respect to non-issuance of admit card, vide Ticket No. 18787 through the HelpDesk option provided at the official portal. Upon this, he was advised to keep checking the official website for his admit card. However, when the website did not show any record of the petitioner's application, he on 20.9.2021 itself lodged a grievance in this regard, vide screen shots (P-2). Since the grievance of the petitioner was not addressed, therefore, on 21.9.2021 and 22.9.2021, the petitioner again raised his grievance, vide Ticket Nos. 20665 (P-3) and 21754 respectively. To the utter surprise of the petitioner on 23.9.2021, he received a communication to the effect that he had not paid the requisite fee. In fact, he had already paid the fee through online mode vide Transaction No. 13770520219 which was duly debited from his bank account. Accordingly, he replied to that effect and the grievance of the petitioner was assigned to Level-2 Associate for necessary resolution. It is averred that on 23.9.2021, the petitioner again contacted the concerned official of the Help Desk for issuance of Admit Card, but this time the concerned official asked the petitioner to use a proper Local Area Network (LAN) connection on the desktop/laptop, though the petitioner had already been using a high speed broadband internet connection on his laptop during the whole process. It is alleged that despite raising the issue of non issuance of admit card constantly right from the date admit cards of candidates were uploaded till 24.9.2021, this issue was not resolved and as a result thereof, the petitioner could not appear in the written test conducted on 25.9.2021 and 26.9.2021.

Hence the instant writ petition.

3. Learned counsel for the petitioner would contend that action of the respondents denying the petitioner an opportunity to appear in the written test to the post of Constable (District Cadre) of Punjab Police despite the fact that he had duly applied for the said post in the prescribed format by depositing the requisite fee within the prescribed time, is gross injustice to the petitioner and is not sustainable in the eyes of law.

4. Per contra, learned counsel for the State would argue that the process of end to end recruitment to the post of Constables was conducted by the Tata Consultancy Services (TCS iON). The process consists of two stages, wherein a candidate is required to appear in OMR based written examination (Stage I) followed by Document Verification, Physical Measurement Test and Physical Screening Test (Stage II). The OMR based written examination (Stage I) had been conducted on 25.9.2021 and 26.9.2021 and stage II process is yet to commence. It is also contended that as per the report submitted by the TCS iON, the petitioner reached out to the TCS iON HelpDesk portal in between September 20, 2021 to September 24, 2021. TCS Level 2 Support team requested the petitioner to visit the dedicated portal to download the Admit Card as TCS iON Help Desk team was able to see the Admit Card of the petitioner being available for download (R-2). As per report supplied by the TCS iON, the Admit Card was released to the petitioner (R-3). It is also argued that as per report, the petitioner was able to download his Admit Card (R-4). Admit Cards were issued for 4,71,009 candidates for written examination, out of which 4,44,391 candidates had successfully downloaded their Admit Card and

4,18,656 candidates appeared for the exam. TCS iON reported that there were 25,735 candidates who had downloaded their admit cards, but did not appear in the examination. It is submitted that the issue raised by the petitioner is unique and one of a kind in nature where one candidate out of 4,71,009 alleges that he has not been able to download his Admit Card. As per report shared by TCS iON, the petitioner was issued Admit Card (R-6), but for the reasons best known to him, he did not appear in the examination, hence no interference is called for in the instant writ petition.

5. I have heard learned counsel for the parties and have perused the paper book.

6. This writ petition raises disputed question of facts, which cannot be gone into by this Court in the present proceedings. The entire case of the petitioner, as set up in the writ petition, is that he had applied online for the post of Police Constable in District Police Cadre and Armed Police Cadre of Punjab Police, 2021, in pursuance of Advertisement No. 2/2021, published on 16.7.2021 and paid the requisite fee, but he was not able to download his Admit Card from the official portal, without which he could not undertake the written examination. It is the case of the petitioner that several attempts were made to approach the concerned authority by way of Help Desk option provided at the official portal, but still he was not able to download his Admit Card. On the contrary, the stand of the respondents is that the process of end to end recruitment to the post of Constables was conducted by the Tata Consultancy Services (TCS iON). As per the report submitted by TCS iON, the petitioner was allocated application No. 40168198 and Registration No. 20003627 (R-8). The system generated

report shows download of Admit Card (R-6) issued to the petitioner. These averments have not been specifically denied by the petitioner way of filing replication.

7. In view of the disputed question of facts involved in the instant writ petition, this Court cannot interfere at this stage, particularly when the entire selection process is already over, as informed by the learned counsel for the State.

8. For the reasons afore-stated, the instant writ petition is dismissed.

16.11.2022*prem***(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned :	Yes
Whether Reportable :	No