

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120)

CWP No. 26814 of 2022

Date of Decision : 22.11.2022

Surender Partap Chitra

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Shri Ravinder Malik, Advocate for petitioner.

Harsimran Singh Sethi J. (Oral)

In the present petition the grievance of the petitioner is that he competed for appointment in pursuance to the Advertisement No. 12/2019 for the post of store keeper. Petitioner appeared in the written examination and cleared the same but, he could not appear for the scrutiny of the documents on the date asked for.

Learned counsel for the petitioner submits that as the petitioner did not knew about his result of the written examination as well as the fact that he is required to appear for scrutiny of the documents, the petitioner did not attend the scrutiny but now once he came to know, he approached the respondents for granting him another opportunity for scrutiny of documents, which opportunity has been declined by the respondents and therefore, the order dated 18.11.2022 (Annexure P-6) may kindly be quashed and appropriate direction be issued to the respondents to allow the petitioner for

the scrutiny of his documents so as to be able to compete for the post in question.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

The facts that the petitioner was competing for the post of the Store Keeper in pursuant to the Advertisement No. 12/2019 in the reserved category of Scheduled Caste is a conceded fact. It is also a conceded fact that the petitioner appeared in the written examination conducted on 20.02.2020, the result of which was declared on 08.02.2022, and the petitioner cleared the said written examination and was short-listed for scrutiny of the documents. The petitioner was required to upload the documents online from 12.02.2022 to 20.02.2022 so that he could be called for scrutiny of the documents.

The learned counsel for the petitioner has conceded the fact that the petitioner did not upload the documents as directed by the Haryana Staff Selection Commission. Certain candidates also raised the grievance that they did not come to know about the result declared on 08.02.2022, which resulted into the fact that they could not upload the required documents online which was to be done from 12.02.2022 to 20.02.2022. The respondent-Commission as one time relaxation, again allowed the candidates to upload their documents within a period starting from 06.04.2022 to 08.04.2022. It is also a conceded position that even after the grant of second opportunity, the petitioner failed to upload the documents required for. Under these circumstances, it cannot be said that the petitioner has not been treated fairly by the Commission so as to give him two

opportunities to upload the documents.

Learned counsel for the petitioner argues that the petitioner was not informed about the result individually and due to which, the petitioner missed the declaration of the result of the written examination, which was declared on 08.02.2022 and consequent the guidelines of uploading the documents within a specified time. Learned counsel for the petitioner conceded that there was no requirement in the advertisement that candidates, who are competing, will be informed separately about the result of the written examination or any instructions which are issued by the Commission at any stage of the selection process, to be complied with by the candidates concerned. That being so, no grievance can be raised by the petitioner in this regard.

Further, the same question has been considered by a Co-ordinate bench of this Court in similar circumstances in CWP No. 1379 of 2017 titled as ***Rekha Jangra Versus State of Haryana***, decided on 30.01.2017, wherein, the Co-ordinate bench has held that the Commission is not required to inform each and every candidate about the declaration of the result or any condition to be complied with by the candidates and any candidate, who failed to comply with the direction of the Commission, can be debarred by the Commission from further participating in the selection process. The relevant paragraph of this judgment is as under :-

“xxx xxx xxx xxx xxx xxx

The contention that the respondents should have informed the selected candidates individually is also not a requirement of law. There may be cases where the number of posts are in 100s and thousands of candidates may succeed in the written test. It

cannot be held as a principle of law that every candidate has to be informed individually about the result or about any further requirement. To hold so otherwise would be to put an unbearable burden upon the examining bodies. It also cannot be lost sight of that publication in newspaper is also a satisfactory mode of service of notice.”

The similar question also arose in CWP No. 26995 of 2017 titled as ***Poonam Chaudhary Vs. State of Haryana and another***, decided on 07.11.2022, wherein, this Court has already held that in case the candidate fails to comply with the direction issued by the Commission during the selection process, the said candidate can be debarred by the Commission for further participation and no further opportunity can be given as the selection process which is to be completed within a specified time and repeated opportunity to the candidate to comply with the terms and conditions of the selection process, will loose its sanctity.

Keeping in view the above, the petitioner, who failed to submit the required documents by uploading the same despite the grant of two opportunities, cannot claim to be a victim of any illegality by the Commission concerned.

No ground is made out for the interference by this Court and therefore, no relief can be granted to the petitioner.

Writ petition is dismissed.

November 22, 2022
Neetika Tuteja/kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No