

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

LPA-1117-2022

Date of Reserve: 09.12.2022

Date of Pronouncement: 20.12.22

Surender Partap Chitra

.....Appellant

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI**

**Present : Mr. Ravinder Malik, Advocate,
for the appellant.**

Mr. Deepak Balyan, Additional A.G., Haryana.

ARUN PALLI, J.

This is an intra court appeal, under Clause X of the Letters Patent, against an order and judgment dated 22.11.2022, vide which the writ petition preferred by the appellant was dismissed by the learned Single Judge.

Facts that are required to be noticed are limited.

Vide advertisement No.12/2019, Haryana Staff Selection Commission (for short, 'the Commission') had invited online applications to carry out selection to 112 posts of Storekeeper in the Skill Development & Industrial Training Department. The appellant competed for selection in the SC Category. For he qualified the written examination, he was shortlisted to fill the scrutiny form online and upload the necessary documents from

12.02.2022 to 20.02.2022. Whereafter, the Commission issued another notice dated 04.04.2022, whereby, the candidates who could not fill the scrutiny forms on an earlier occasion, were given yet another chance to upload the documents from 06.04.2022 to 08.04.2022. However, the appellant missed both the opportunities and failed to submit the necessary documents. Whereas, his case has been, for the result of the written examination was displayed/uploaded only on the website of the Commission, and being not habituated to internet usage, he did not get to know that the Commission had declared the result on 08.02.2022. And it was only on 19.10.2022, through a friend, he acquired knowledge in this regard. Whereafter, he immediately approached the Commission to scrutinize his documents, to enable him to participate in the selection process. However, vide order dated 18.11.2022, the Commission rejected his representation. For, in case the appellant was to be afforded another chance to submit his documents, then there were many candidates, who were identically placed and would have to be treated similarly. There was no provision/process to conduct online scrutiny of documents over and over again, as the website was disabled immediately on the expiry of the stipulated period. And the Commission could not allow offline scrutiny of documents either. As a result, the appellant approached this Court vide a writ petition, referred to above, which has since been dismissed.

Learned counsel for the appellant has merely reiterated the submissions that were advanced before the learned Single Judge: concededly, the appellant was eligible to compete and had qualified the written examination. Upon which, he was shortlisted for scrutiny of documents. It is urged that the Commission failed to inform/intimate the

appellant of his results in the written examination, nor did he ever receive any notice to submit the scrutiny form and upload the requisite documents within the specified time. It is urged that publication of result and notices, requiring the date bound compliance of certain formalities, on the website of the Commission could hardly be termed as an effective mode of service upon a candidate. Thus, the Commission ought to have afforded him another chance to comply with the formalities, enabling him to participate in the selection process. To support his submissions, reliance is placed upon a decision of a Division Bench of this Court in **Rekha Jangra Vs. State of Haryana and others** (LPA No. 209 of 2017, decided on 06.04.2017).

We have heard learned counsel for the parties and perused the records.

Concededly, advertisement No.12/2019 was published by the Commission on its website, i.e. **www.hssc.gov.in**. It is not in dispute either that online applications were invited from 05.08.2019 to 20.08.2019, for selection to 112 posts of Storekeeper. Per the important instructions, appended with the admit cards issued to the candidates, they were advised to practice online for the mock test, link for which was provided on the Commission's website in the 'Public Notice' Section. The appellant appeared in the online Computer Based Test (CBT)/written examination on 20.02.2020. The results of the candidates, who were shortlisted for scrutiny of documents, were declared by the Commission on its website on 08.02.2022. In terms of the note appended with the result, extracted below, scrutiny of documents was to be carried out through online mode only. And the candidates were required to submit their scrutiny forms and upload the necessary documents on the website of the Commission from 12.02.2022 to

20.02.2022. Further, the candidates were cautioned that in case the required documents were not uploaded within the stipulated time, no further opportunity would be given thereafter:-

“NOTE:- 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.

4. xx xx xx xx

5. The result is also available on the website of HSSC i.e. www.hssc.gov.in.”

As indicated earlier, the Commission issued yet another notice dated 04.04.2022, to enable those candidates, who could not submit the documents earlier, to furnish them from 06.04.2022 to 08.04.2022. But still, the appellant failed to submit the required documents. Therefore, it seems incredible that appellant, who responded to the advertisement published on the website of the Commission, submitted his application online and appeared in the online CBT/written examination, would not follow up the Commission’s website to check his result and/or the notices/instructions issued by the Commission from time to time. Particularly, as clause 2.3(a) of the advertisement (page 132 of the paper book), required the candidates to regularly visit the website, as no separate individual intimation would be sent:-

“2.3(a) Examination Schedule:- The Examination either Online (CBT) or OMR Based is likely to be held in the month of September & October 2019 and the date, time and place of examination will be as per admit card. However, HSSC reserve the right to reschedule/change the above schedule on administrative grounds or otherwise. Applicants are advised to regularly visit the website as no separate individual intimation shall be send.”

The case set out by the Commission is that every notice pertaining to the selection process for the post in question was uploaded on its website. Thus, in the given circumstances, the only and the inevitable conclusion that could be reached is: either the appellant has been grossly negligent or, for the reasons best known to him, chose not to participate in the selection process.

The argument that the appellant was not informed/intimated by the Commission of his results, nor he was served with any individual notice to fill online scrutiny form and upload the documents also lacks conviction. Upon being asked, learned counsel for the appellant concedes that there was/is no provision that required the Commission to individually intimate/inform every candidate of his/her result and other formalities that he/she was required to comply with. On the contrary, the specific stand set out by the Commission is that it never sent any personal intimation to any candidate, and all the participants were required to keep themselves updated with the Commission's website as regards notices for scrutiny, interview, result etc. And, it being a recruiting agency and as thousands to lakhs of people compete for a single post, it is not feasible to individually intimate every candidate of every single detail, during the selection process. Further, as post stipulated time, the designated website was disabled, it was not

feasible to re-conduct online scrutiny of documents. And, there was no provision for offline scrutiny of the documents either.

Learned counsel for the respondents informs the Court that the process of selection is complete and the results would be pronounced soon. Thus, to afford another chance to the appellant to furnish the requisite documents, at this stage, would have serious ramifications. For, there would be many such candidates, who did not tender their documents for scrutiny, and once the prayer of the appellant is acceded to, all such candidates would have to be treated alike. We consider it expedient to observe that every vacant post advertised by any Public Authority for recruitment has no dearth of eligible and qualified candidates vying for it, and thus, the selection involves intense competition. The selection process to these posts, in consonance with Article 14 and 16 of the Constitution, is required to be fair, transparent and accountable. Therefore, keeping with the constitutional mandate, selection process has evolved an elimination method at every stage. To ensure that the legitimacy of the selection process is not suborned, every stage of the process has certain requirements that need to be fulfilled, in order to reach the next, and to ensure that the recruitment is conducted in a time bound manner, there is a schedule that needs to be strictly followed by every aspirant. A candidate who has not been vigilant, and has squandered the opportunity with his casual attitude cannot seek the indulgence of a writ court merely on the plea of his merit to deny other candidates, who have been meticulous and alert, access to the next stage of the selection. Making such an exception, would not only endlessly stretch the recruitment process, but also put its sanctity under a cloud.

The decision rendered by the Division Bench in **Rekha Jangra**

(ibid), would not advance the case of the appellant either. But before we refer to the said decision, it would be apposite to point out that, in fact, while deciding the matter, in the present case, the learned Single Judge had relied upon a judgment rendered by the Single Bench in the case of Rekha Jangra (ibid) itself:-

“Further, the same question has been considered by a Coordinate 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.”

In the said case, the appellant had applied for the post of

Assistant Professor (College cadre). Though, as per specific instructions, candidates were required to submit only a hard copy of their application forms, but the appellant submitted her application online, though within the stipulated period. Therefore, in the peculiar facts and circumstances, the Division Bench, vide an interim order, directed the Commission to consider and grant one time concession to the appellant to submit her application. Accordingly, the Commission considered the appellant and interviewed her provisionally. Therefore, while disposing of the appeal (LPA), the Division Bench specifically observed that the interim directions issued by the Court would not be a precedent for future cases.

In the wake of the position sketched out above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned Single Judge. The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

20.12.22
AK Sharma

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No