

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP No.2599 of 2019
Date of decision:07.02.2023

Hanuman Singh

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sunil K. Nehra, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL, J.

Petitioner has approached this Court seeking issuance of a writ in the nature of certiorari quashing impugned final result dated 19.01.2019 (Annexure P-7) qua the BCA category for Group D post advertised, vide advertisement No.4/2018 (Annexure P-1). Another prayer has been made for issuance of a writ in the nature of mandamus directing the respondents to grant additional marks and to issue an appointment letter to the petitioner as per the option given by him.

Vide advertisement (Annexure P-1), Haryana Staff Selection Commission-respondent No.2, invited applications for 18218 Group D posts, out of which 3345 posts were reserved for BCA category. Petitioner submitted an application for the post in the BCA category and was issued a roll number. He appeared for the written examination on 18.11.2018, but his roll number did not figure in the impugned final result declared on

19.01.2019 (Annexure P-7). Claiming that the petitioner is entitled to marks under the socio-economic criteria, he has filed the instant petition.

Writ petition has been contested by the respondents by filing a response, wherein, it has been submitted that the petitioner has secured total 61 marks (56 marks in written examination and 5 marks for socio-economic criteria) whereas, the last selected candidate for the post under the BCA category has got 63 marks and the last candidate in the waiting list has 62 marks.

I have heard counsel for the parties and examined the paper book with their able assistance.

Online Application Form (Annexure P-8) contained a column for Socio Economic Criteria with five points. Against Point No.1 “Any person from among the applicant's father, mother, spouse, brothers and sons, is, was or has been a regular employee in any Department/Board/ Corporation/Company/Statutory Body/ Commission/Authority of Govt. of Haryana or any other State Govt. or Govt. of India”, the petitioner opted for “NO”. For this he has been awarded 05 marks.

Against Point No.3 i.e. “Is applicant an Orphan & is the applicant the first or the second child and his father had died before attaining the age of 42 years”, the petitioner has answered “NO”. Similarly, against Point No.4, i.e., “Is applicant an orphan and is the applicant the first or the second child and his father had died before the applicant had attained the age of 15 years”, petitioner again has answered in the 'Negative'. In both the Point Nos.3 and 4, the condition was that the petitioner should have

been an Orphan to claim additional marks. Petitioner has placed on record a copy of his father's death certificate (Annexure P-10). However, he has neither made any averment nor placed on record any document to show that his mother has expired. As such, the petitioner cannot claim himself to be an orphan to be eligible for grant of more marks against Point No.3 or Point No.4.

Still further, although petitioner submits that he had inadvertently written 'No' against Point No.3 and Point No.4 and he be permitted to correct the same, but the conditions laid down in the application form do not permit any change. In particular, reference deserves to be made to 'Notes' under the heading procedure/instructions/guidelines for online filling application form. The relevant extract of which is as under:-

“1. Candidates are advised to fill their application form carefully, such as name, father's/mother's name, date of birth and category, qualification, obtained marks, passing year, photo and signature, fee etc. No request for change of any particular on the online application form shall be entertained by Haryana Staff Selection Commission.

2. After final submission of online application form, no changes will be allowed. Candidate will be responsible for any mistake in the data of application form and fees paid by him/her.”

Similar instructions have been mentioned in the advertisement

(Annexure P-1).

In view of the above instructions, petitioner is responsible for any wrong answer or error committed by him. He cannot at a subsequent stage turn around and be permitted to make a change in the application form.

In view of the above, no relief can be granted to the petitioner.
Petition being bereft of merit is hereby dismissed.

February 07, 2023

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>