

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

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**CWP-2669-2023 (O&M)
Date of Decision: 16.02.2023**

GAURAV SANGWAN

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Yesh Paul Malik, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Challenge in the present petition is to the selection/appointment of respondent No.3 to the post of Food Protection Instructor (Theory).

Learned counsel for the petitioner contends that the petitioner being eligible had submitted his online application for the aforesaid post; that however, when his candidature was not considered by respondent No.2, he had approached this Court by way of CWP-28768-2022; that vide order dated 14.12.2022 passed by a Coordinate Bench in the said petition, the concerned authority had been directed to decide the representation dated 08.12.2022 (Annexure P-5) filed by the petitioner, and that vide order dated 23.01.2023, respondent No.2 has declined the said representation of the petitioner.

On the other hand, learned State counsel submits that while dealing with the representation of the petitioner, in compliance of the aforesaid order dated 14.12.2022, it was taken into consideration that result of the written examination was declared and the shortlisted candidates, including the petitioner, had been directed, vide notice dated 25.02.2022, to fill up the scrutiny form online and upload the documents online w.e.f. 01.03.2022 to 10.03.2022. It is further submitted that the petitioner had failed to fill up the scrutiny form online and it was specifically mentioned in the notice dated 25.02.2022 that 'no further opportunity would be given thereafter'; that, however, vide notice dated 01.04.2022, the Commission had given another chance to the candidates, who could not fill up the scrutiny form, enabling them to do the needful w.e.f. 06.04.2022 to 08.04.2022 and that in the said notice, it was specifically mentioned that 'no further opportunity would be given thereafter'. Learned State counsel further submits that the Commission had provided several opportunities to the candidates, including the petitioner, to fill up the scrutiny form for the aforesaid post, but the petitioner failed to do so for the reasons best known to him. In support of his contentions, learned counsel relies upon the judgment rendered by the Hon'ble Supreme Court in State of Bihar and others Vs. Madhu Kant Rajan & Anr. 2022 AIR (Supreme Court) 1310.

I have heard the learned counsel for the parties.

There is no denying the fact that the petitioner was given several opportunities to do the needful, but despite that the petitioner failed to do so. As noticed above, though in the said notice 25.02.2022, it was clearly mentioned that no further opportunity would be given, yet

vide another notice dated 01.04.2022, another opportunity was granted to the petitioner to do the needful. In the said notice as well, it was mentioned that no further opportunity would be given. It seems that the petitioner did not bother to comply with the instructions contained in the said notices and rather chose to sleep over the matter. Equity aids only those, who are vigilant about their rights and not those, who prefer to go into slumber.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

16.02.2023

Aman Jain

(HARNARESH SINGH GILL)**JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*