

Neutral Citation No.- 2023:PHHC:065306

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4832-2020

Date of decision: 04.05.2023

SEEMA SAINI

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

JAISHREE THAKUR, J.

1. The instant writ petition has been filed under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of mandamus, directing the respondent-Commission to allow the petitioner herein to have her documents verified for the post of Accountant (M.C.), pursuant to having participated in the selection process under advertisement No.7/2015 dated 10.07.2015 (Annexure P-1).

2. In brief, the facts as stated are that the petitioner herein being fully eligible, applied online under the BCB category for appointment to the post of Accountant (M.C.) vide advertisement No.7/2015 under category No.18. Roll number 7151802925 was allotted to the petitioner and on the basis of written

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examination held on 06.04.2018 and 07.04.2018, result was declared and successful candidates were called for document verification on 01.09.2018 vide notice dated 19.08.2018. The roll number of the petitioner did not find mention in the said result and she was not called for document verification. On 26.10.2018, another notice was uploaded on the website of the respondent-Commission and the candidates were called for document verification on 02.11.2018. This time too, the roll number of the petitioner was not mentioned in the uploaded notice. Thereafter, another notice was displayed by the respondent-Commission on 09.11.2018, whereby candidates were called for document verification on 15.11.2018, but this time, the roll number of the petitioner was mentioned in the said notice. However, no separate message, call or e-mail was given to the petitioner regarding document verification to be held on 15.11.2018 and consequently, the petitioner did not put in an appearance before the respondent-Commission. The said notice was issued on 09.11.2018 and the candidates in addition to those already called for document verification vide notices dated 19.08.2018 and 26.10.2018, were asked to be present for scrutiny of documents before the respondent-Commission.

3. Learned counsel for the petitioner would contend that the additional persons have been called for document verification, however, no separate message, call or e-mail was sent out to the petitioner regarding the same. The respondent-Commission declared the final result on 14.06.2019 and the petitioner herein would have been a successful candidate, had she been called for document verification. She obtained 94 marks out of 200 marks in the

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written examination but on account of the fact that she was unable to be present for document verification before the respondent-Commission on 15.11.2018, she has not been selected for the said post. It is submitted that non-appearance of the petitioner for document verification is wholly on account of the fact that no personal information was ever furnished to her.

4. Pursuant to notice of motion having been issued in the instant matter, reply by way of an affidavit on behalf of Haryana Staff Selection Commission, has been filed.

5. Learned State counsel would contend that all the necessary information regarding scrutiny of documents and calling candidates for the same has been uploaded on the official website of the respondent-Commission. It is further submitted that in the selection criteria, it was made clear that all the information would be available on the website of the respondent-Commission. Furthermore, it was made clear that *candidates are advised to keep themselves abreast with latest updates being uploaded on the website from time to time*. In the notice published on 09.11.2018, it was made clear that in case the candidate does not appear for scrutiny of documents, he/she will not be considered for viva-voce/interview and no further opportunity would be given thereafter. Learned State counsel would also urge that even though the roll number of the petitioner was not mentioned in the first two notices, her roll number was reflected in the notice issued thereafter on 09.11.2018. The petitioner herein remained absent at the time of scrutiny of documents on 15.11.2018 and,

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therefore, at this belated stage cannot seek the relief of having to appear before the respondent-Commission and have her documents scrutinized.

6. I have heard learned counsel for the parties and have also perused the pleadings of the case.

7. Admittedly, the petitioner herein applied for the post of Accountant (M.C.) under BCB category vide advertisement No.7/2015 dated 10.07.2015 and her roll number was not mentioned in the first two notices dated 19.08.2018 and 26.10.2018. However, a perusal of Annexure P-5 would reflect that another notice was uploaded on the website of the respondent-Commission on 09.11.2018, asking the candidates to appear before the respondent-Commission for scrutiny of documents on 15.11.2018 and the roll numbers as reflected therein were in addition to those already shown in the result for scrutiny of documents vide notices dated 19.08.2018 and 26.10.2018. Furthermore, vide notice dated 09.11.2018, another opportunity was given to the candidates, who were absent for scrutiny of documents on two previous occasions to be present in the office of the respondent-Commission. In the said notice dated 09.11.2018, it was made clear that in case the candidates did not appear for scrutiny of documents, no further opportunity will be given thereafter.

8. The petitioner herein was not vigilant enough to keep the track of the ongoing selection process on the official website of the respondent-Commission as had been made clear in the advertisement issued. The plea of the petitioner that the respondent-Commission is entertaining applications as recently on 29.01.2020 for scrutiny of documents would be of no help to the

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petitioner herein as the said notice dated 29.01.2020 (Annexure P-11) was issued pursuant to the Court orders passed to the effect that candidates be permitted to have their documents scrutinized. The petitioner had not approached this Court on an earlier occasion seeking opportunity to appear before the respondent-Commission to have her documents scrutinized and, therefore, cannot take any benefit at this belated stage. The selection process has culminated as far back as on 14.06.2019, as would be evident from the final result declared on 14.06.2019. Annexure P-11, on which the petitioner herein is seeking to rely upon pertaining to the year 2020, does not mention that candidates have been called under advertisement No.7/2015 dated 10.07.2015. It is silent in that regard and, therefore, no reliance can be placed thereon, especially in view of the fact that as per the affidavit filed by the respondent-Commission, the final result has been declared on 14.06.2019.

9. Consequently, finding no merit in the instant writ petition, the same stands dismissed.

04.05.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No