

CWP-5103-2023

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

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Date of decision: 15.03.2023

Rekha Rani

...Petitioner

Versus

Haryana Staff Selection Commission

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Abhishek Grover, Advocate for
Ms. Divya Arora, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

The present petition has been filed for issuance of directions to the respondents to consider the work experience of the petitioner.

Learned counsel for the petitioner contends that in pursuance of advertisement No.9/15, the petitioner had applied for the post of Trained Graduate Teacher (TGT) (Rest of Haryana) under General Category; that while submitting the application online, the petitioner had not mentioned qua her experience certificate; that though there was a flaw on the part of the petitioner while filling up the application, yet the fact remains that she was allowed to take the written examination; that at the time of scrutiny of documents, the petitioner had presented the experience certificate, but she had not been granted marks on account of the same, and that in case marks are granted to the petitioner on the basis of 'experience certificate', she would fall within the zone of consideration.

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Notice of motion.

On the asking of this Court, Mr. R.S.Budhwar, Addl. A.G. Haryana, accepts notice on behalf of the respondent, and submits that a candidate while filling up the form online, is required to specifically mention qua the experience certificate, if any, and that once he/she has failed to do so, the same cannot be considered at the time of scrutiny of the documents. Learned State counsel further submits that while submitting the application, the petitioner had furnished a declaration that all the statements in the application form was true, complete and correct to the best of her knowledge and belief. Learned State counsel further submits that selection process has already completed and the last selected candidate has not been impleaded as a party.

I have heard the learned counsel for the parties.

Indisputably, while filling up the application form online, the petitioner had not mentioned anything against the column of Experience. She was allowed to take the examination. At the time of scrutiny of documents, she placed the experience certificate before the concerned Committee, which had not been considered. Having obtained the certificate (Annexure P-5) much prior to last date for submitting the online application, it would be unrealistic to presume that the petitioner did not claim for the same deliberately, which otherwise had been issued by the District Education Officer, Fatehabad.

Moreover, a Division Bench of this Court in LPA-320-2019, titled as 'Haryana Staff Selection Commission through its Secretary Vs. Sarla and others', decided on 22.02.2019, held as under:

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“5. We cannot loose sight of the fact that in view of the prevailing socio economic condition in our country, every citizen is neither net savvy nor has a computer or laptop readily available for use. In these circumstances, when such a candidate has to submit an application on-line he has to dependent upon the cyber cafés providing the net services. Being himself/herself not computer and net savvy the candidate has to depend upon the operator in the cyber café to fill in online form and in such a circumstance if any mistake occurs it would be wholly unrealistic and arbitrary to make such a candidate suffer. It is also to be taken note of that if an incorrect entry is made due to human error, there is no provision on the website of the Commission allowing correction in the online application form. In these circumstances, if a mistake is committed, there being no provision for carrying out correction, even if it is noticed subsequently, a poor candidate is to suffer for no fault.

6. In the case in hand, the respondent-petitioner is a poor widow lady and is resident of village Karora, District Kaithal, where she was working as an Anganwari Worker. It is pleaded in the writ petition that online application form was submitted by her through computer centre in the village. In view of the aforesaid facts and circumstances we find no illegality in the view taken by the learned Single Judge allowing the claim of the respondent-petitioner.”

In view of the above, the respondent is directed to consider the experience certificate of the petitioner in terms of the Advt No.9/15, for the post of TGT (English) (Rest of Haryana) and in case, the petitioner comes within the zone of selection, the respondent is directed to issue the revised

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result within a period of two months.

Allowed in the above-mentioned terms.

15.03.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No