

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

LPA-285-2023 (O&M)

Date of Decision: 16.03.2023

Gaurav Sangwan

.....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. Yesh Paul Malik, Advocate,
for the appellant.**

ARUN PALLI, J.

This is an intra court appeal, under Clause X of the Letters Patent, against an order and judgment dated 16.02.2023, 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 [P-1], Haryana Staff Selection Commission ('the Commission') had invited online applications to carry out selection to 4 posts of Food Production Instructor (Theory) in the Skill Development & Industrial Training Department. The appellant competed for selection in the General Category. For he qualified the written examination, he was shortlisted to fill the scrutiny form online and upload the necessary documents from 01.03.2022 to 10.03.2022. Whereafter, the Commission issued another notice dated 01.04.2022, whereby, the candidates, who could

not fill the scrutiny forms on an earlier occasion, were given yet another chance to upload the documents from 03.04.2022 to 05.04.2022. 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 neither any public notice was issued nor this information was sent to him, he did not get to know that Commission had declared the result on 25.02.2022 [P-3]. And it was only on 07.12.2022, appellant acquired knowledge in this regard. Whereafter, vide representation dated 08.12.2022 [P-5], he approached the Commission to scrutinize his documents, to enable him to participate in the selection process. However, vide order dated 23.01.2023 [P-7], 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 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. He submits that publication of result and notices, requiring 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, in absence of any such notice being issued through the newspapers. Thus, the Commission ought to have afforded him another chance to comply with the formalities, enabling him to participate in the selection process. Alternately, it is submitted that all the mandatory documents were uploaded along with application form, as required by clause 3.1 of the advertisement, and thus, requiring to resubmit the same documents online is a mere formality. Particularly, as clause 3.2 which provided for scrutiny of documents required that documents submitted with the application form be “produced at the time of scrutiny” and does not stipulate any new document that needed to be uploaded.

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 4 posts of Food Production Instructor (Theory). The appellant appeared in the written examination on 11.12.2021. The results of the candidates, who were shortlisted for scrutiny of documents, were declared by the Commission on its website on 25.02.2022. 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 01.03.2022 to 10.03.2022. 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 01.03.2022 to 10.03.2022.

2. The candidates are also advised to upload documents online from 01.03.2022 to 10.03.2022 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 01.04.2022, to enable those candidates, who could not submit the documents earlier, to furnish them from 03.04.2022 to 05.04.2022. 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 downloaded his admit card from the website online to appear in the 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 60 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 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.

The other argument of the appellant that clause 3.2 of the advertisement did not stipulate “upload of documents” for scrutiny, is also weightless, for clause 3.2 merely stipulated that the documents needed to be produced at the time of scrutiny. The said clause never specified the mode of production, which mode was then specified to be “online” when the result for written examination was declared on 25.02.2022 (P-3). The heading of notice dated 25.02.2022 itself titled “**Result of Written Examination and notice to candidates for Online Scrutiny of Documents.....**”

The process of selection is complete and the final result was declared on 19.12.2022. 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. The appellant has also pleaded his higher merit than the selected candidates, therefore, 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.

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

March 16, 2023
AK Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No