

CWP-7056-2023

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

CWP-7056-2023

Date of decision: 11.04.2023

Sumit

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amit Parashar, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

The present petition has been filed for issuance of a writ in the nature of mandamus directing the respondents to call the petitioner for verification of the documents.

Learned counsel for the petitioner contends that vide advertisement No.12/2019 (Annexure P-1), respondent No.2-Haryana Staff Selection Commission had invited online applications to carry out selection for 112 posts of Storekeeper; that the petitioner had competed for selection in the General Category, and that the result of the written examination was declared on 08.02.2022.

Learned counsel for the petitioner further contends that the petitioner qualified the written examination and had been shortlisted to fill the scrutiny form online and upload the necessary documents w.e.f. 12.02.2022 to 20.02.2020, and that however, the petitioner could not upload the documents online for the reason that he got his collar bone fractured and had been advised rest w.e.f. 09.02.2022 to 25.02.2022.

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Learned counsel further contends that the last selected candidate for the aforesaid post secured 63 marks whereas the petitioner had secured 59 marks in the written examination only and that in case the petitioner is granted 05 marks on account of 'socio-economic criteria', he would fall within the zone of consideration. Learned counsel further contends that respondent No.2 failed to inform/intimate the petitioner of his result 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, and that respondent No.2 ought to have afforded him another chance to comply with the formalities, enabling him to participate in the selection process.

Notice of motion.

On the asking of this Court, Mr. R.S.Budhwar, Addl. A.G. Haryana, accepts notice on behalf of the respondents-State, and submits that the petitioner had failed to fill up the scrutiny form online and upload the documents online w.e.f. 12.02.2022 to 20.02.2020. Learned State counsel further submits that vide Note No.3 in the result of written examination, it was specifically mentioned that in case a candidate did not upload documents for scrutiny, no further opportunity would be given thereafter.

I have heard the learned counsel for the parties.

The issue in hand has already been dealt with by this Court, vide judgment dated 16.02.2023 passed in CWP-2669-2023, titled as 'Gaurav Sangwan Vs. State of Haryana and others'. The relevant extract of the aforesaid judgment would read as under:

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“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.”

Feeling aggrieved and dissatisfied with the judgment dated 16.02.2023 passed in CWP-2669-2023, the petitioner therein had preferred LPA-285-2023. However, the view taken by this Court in CWP-2669-2023 was upheld by the Division Bench of this Court, vide judgment dated 16.03.2023 passed in LPA-285-2023. It would be relevant to refer to the following observations made by the Division Bench in LPA-285-2023:

“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

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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

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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 view of the judgments(supra) rendered by this Court and the Division Bench, this Court does not find any merit in the present petition.

Dismissed.

11.04.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No