

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

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**CWP No. 10226 of 2023
Date of Decision :17.7.2023**

*Virender Kumar**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Alka Chatrath, Advocate and
Mr. Nishant Maini, Advocate, for the petitioner
Mr. Rohit Arya, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed seeking a writ of *mandamus* directing the respondents to consider the petitioner's candidature for the post of Store Keeper, as he is fully eligible and has secured more marks than the last selected candidate in the General Category, but has not been so considered because he failed to upload his documents pursuant to public notice dated 8.2.2022 (Annexure P-10)

2. The facts of the case in brief are, respondent no.3/Commission vide advertisement no.12 of 2019, dated 20.7.2019 (Annexure P-5), invited online applications for filling up 112 posts of Store Keeper. The petitioner, who belongs to General Category, submitted the application online on 14.9.2019. The applicants/candidates were called for online Computer Based Test (CBT) on 20.2.2020; for this purpose the petitioner was issued an admit card also. He appeared in the test. Thereafter, on 8.2.2022, the Commission issued a notice on its website calling the candidates for online scrutiny of documents. The notice contained roll

numbers of the candidates being called for the scrutiny of documents from 12.2.2022 to 20.2.2022; it included the petitioner's roll number as well. The petitioner, however, failed to participate in the scrutiny of documents and/or upload his documents. The result of selection was finally declared on 31.1.2023 (Annexure P-9). On obtaining a copy of the result, the petitioner came to know that the marks obtained by the last selected candidate against the General Category post were 63; whereas, the petitioner scored 68 marks. He requested the Commission to afford another opportunity for considering his candidature but to no effect.

3. Learned counsel for the petitioner contends that the petitioner was not provided due opportunity to participate in the selection process as the notice calling the candidates to participate in the online scrutiny of documents was only uploaded on the Commission's website, which is not sufficient notice. The Commission had taken the petitioner's mobile number and aadhar card at the time of submission of application form for the post, and were, therefore, required to individually inform the petitioner either on his mobile number or through post, which was not done. This caused serious prejudice to the petitioner, and uploading of notice on the website cannot be considered as adequate notice to the petitioner. It is further contended that the marks obtained by the petitioner are more than those of the last selected candidate under General Category, therefore, he deserves to be considered and be offered appointment on the post.

4. Learned counsel for the petitioner has been heard and case file has been perused.

5. It is apparent on record that applications for the post in question

were invited online vide advertisement dated 20.7.2019. The petitioner, accordingly, applied for the post, and appeared online computer based test (CBT) also. In case the respondent-Commission invited the candidates for online scrutiny of documents by announcing result of the written examination by uploading a notice dated 8.2.2022 on its website, there is nothing irregular or illegal about it. The petitioner was required to keep himself apprised of the notifications on the Commission's website with regard to the selection process, particularly so when the entire process of selection, right from the submission of application forms to taking of the test, was online. Besides, it is only the petitioner who did not participate in the scrutiny of documents and all other candidates, whose result was declared by the said notice dated 8.2.2022, did participate in the scrutiny. Besides, the entire selection process already stands completed as result of selection for the post of Store Keeper was declared on 31.1.2023. The petitioner has approached this Court after delay of about one and a half years from the date of notice dated 8.2.2022, which itself has a reason enough not to entertain the petition at this belated stage.

6. Under similar circumstances, this Court while deciding CWP No. 591 of 2019, titled *Neeru v. State of Haryana and another*, vide judgment dated 12.7.2023, has taken a view that uploading of information on the Commission's website regarding various stages of selection process is due notice to the candidates, and the Commission is not required to issue any personal communication to them in that regard. The relevant paragraph of the judgment reads as under:

6. Apparently, the petitioner applied for the post in question on-line in response to the advertisement published in various newspapers and uploaded on the Commission's website. In the same

manner, the notice for conduct of written examination was published in the local/regional newspapers and uploaded on the official website also. All other candidates duly appeared in the written test on being so notified, and the result was declared on 24.01.2019. The petitioner was also duty bound to keep herself updated of the notices published/uploaded by the Commission with regard to conduct of written test, etc., concerning the post she had applied for. There is no irregularity in the procedure adopted by the Commission, as uploaded information on its website in itself is due notice to the candidates in this age of information technology. The Commission is not required to issue personal communication to them. Merely because the candidates' mobile number and e-mail address were asked for at the time of applying for the posts, it did not create any obligation on the Commission to individually inform the candidates regarding each and every step in the process of selection. Apart from there being no such stipulation either in law or in the advertisement, the procedure will put the recruiting agency under undue stress leading to delay in the whole process itself. Besides, the petition has been filed after an inordinate delay of about three years, which itself dis-entitles the petitioner to the claim raised.

7. In view thereof, there is no escape from concluding that notice dated 8.2.2022 uploaded on the Commission's website calling the candidates, including the petitioner, for scrutiny of documents was sufficient notice to them. And there is no ground to consider the petitioner's candidature at this stage when the process of selection already stands finalised.

8. In view thereof, there is no ground to entertain the petition.

9. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

17.7.2023

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No