

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

115+116

1. CWP No. 16440 of 2023
Date of Decision : 17.8.2023

Reena Kumari

..... Petitioner

versus

State of Haryana and another

..... Respondents

2. CWP No. 16923 of 2023

Poonam Devi alias Poonam

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Tejpal Singh Dhull, Advocate and
Mr. Suresh Kumar Kaushik, Advocate, for the petitioners

Mr. Harish Nain, AAG, Haryana

Mr. Kanwal Goyal, Advocate and
Mr. Govind Tanwar, Advocate, for the respondent HPSC

TRIBHUVAN DAHIYA J. (ORAL):

Since the common issue arises for adjudication in both these petitions, the same are being disposed of by this order. Facts are, however, taken from CWP No. 16440 of 2023.

2. This petition has been filed seeking a writ of *mandamus* directing respondent no.2/Commission to allow the petitioner to participate in the selection process for the post of PGT-History in response to advertisement no. 28 of 2023 dated 24.6.2023.

3. As per facts on record, the advertisement in question was issued on 24.6.2023. Opening date for submission of online applications was 28.6.2023, the closing date was 18.7.2023. Learned counsel for the petitioner has contended that the petitioner duly filled-up her application form online, and complied with other requirements, like uploading the documents also. Only the last step of uploading a scanned copy of the form after signatures, could not be inadvertently taken by her before the last date of submission of the applications. That is the only reason her form has not been accepted. It has caused grave hardship and seriously prejudiced her rights. In fact, there was a technical glitch in the official website of the Commission, which prevented uploading of form by the petitioner. She even submitted a complaint in that regard to the Commission on 19.7.2023 (Annexure P-3), but no action in the matter was taken. It is further contended that on 18.7.2023 at 11:45 p.m. and also at 2:11 a.m. and 8:07 a.m. on 19.7.2023, One Time Passwords (OTPs) were generated from the Commission's portal for submission of the form, as is apparent from the print out of the mobile screenshot, Annexure P-5. Therefore, it should be accepted now after the cut-off date.

4. Learned counsel for the Commission, on the contrary, contends that he has specific instructions to state that the petitioner logged in on the Commission's website for uploading the application form on 16.7.2023, but thereafter no activity was recorded on the website upto the closing date, i.e., 18.7.2023. Even on that date 5486 candidates uploaded their forms and there was no technical fault in the website, as claimed by the petitioner. It is further submitted that last date for submissions of the forms is already over and the same cannot be extended.

5. The submissions made by learned counsel for the parties have been considered.

6. It is trite law that cut-off/closing date for submission of application forms pursuant to an advertisement cannot be extended, unless it has been arbitrarily fixed, or the applicants have been prevented from submission/uploading of forms due to some technical malfunction, or any other related cause. In the instant case, there is no such circumstance which entitles the petitioner to seek extension of the closing date. The applicants were given sufficient time to apply, from 28.6.2023 to 18.7.2023. During substantial part of this period, the petitioner did not make any effort to upload her application form. She only tried doing that on 16.7.2023 and remained unsuccessful. Thereafter, she had two days, i.e., 17 July and 18 July to upload the form and comply with the conditions which she miserably failed to do. There is no explanation as to why she could not do so. The excuse of technical malfunction stands falsified by the fact that even on the last date, over five thousand forms were accepted online by the Commission. Merely because some OTP was generated for the petitioner to upload the form after the last date of submissions of the forms, does not give her any right to seek extension of the last date. As submitted by learned counsel for the Commission, it is a default function on the Commission's website that generates OTPs for the applicants to enable them to take further steps for uploading the form. It is not the petitioner's case that pursuant to generation of the OTPs the form could be uploaded, or even attempted. Therefore, mere generation of OTPs cannot have any effect on the last date of submissions of the applications as notified in the advertisement, nor can any extension on

that basis be sought.

- 7. In view thereof, there is no ground to entertain the petition.
- 8. Dismissed.
- 9. Photocopy of this order be placed on the file of the connected case.

(TRIBHUVAN DAHIYA)
JUDGE

17.8.2023
Ashwani

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