

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 123

Civil Writ Petition No.16848 of 2023
Date of Decision: August 04, 2023

Vijay Kumar @ Vijay Kumar Dalal

..... PETITIONER(S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Ravinder Singh Budhwar, Addl. AG, Haryana.

Mr. Kanwal Goyal, Advocate for respondent No.4-
HPSC.

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Tribhuvan Dahiya, J. (Oral)

This petition has been filed seeking a writ of *mandamus* directing the respondents to accept hard copy of the petitioner's application form for the post of Post Graduate Teacher (PGT) in the subject of Computer Science for Rest of Haryana and Mewat cadre, pursuant to advt. No.26/2023 and advt. No.36/2023 respectively, and allow him to participate in the selection process.

2. Learned counsel has argued that the petitioner is fully eligible for the post advertised, but could not apply because of some technical glitch in the Commission's website which prevented him from uploading the application form within the stipulated period. He complained to the Commission by sending an email dated 18.07.2023 at 2315 hours (Annexure P-14) in that regard, but no remedial measures were taken nor

was he allowed to submit the form physically on the next date. It is further contended that the petitioner is employed in a private company, and he has to work at night. Therefore, he could not get time to fill-up the form earlier to register himself as an applicant, and could do so only on the closing date, 18.07.2023. In these circumstances, he should be permitted to submit the form now.

3. Learned counsel for the respondent/Commission, appearing on advance notice, points out that even on the last date 5486 candidates uploaded the form and there was no technical fault or malfunction, as claimed. The email sent by the petitioner on 18.07.2023 at 2315 hours was replied to within fifteen minutes at 2328 hours, by informing him that there was no technical issue, and he should refresh the page and try again. It is further submitted that last date for submission of the forms is already over, and the same cannot be extended.

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

5. 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. Merely because he was employed somewhere and has to do work during night, cannot be accepted as a reason for not submitting the application form within time. It is only a lame excuse, and deserves outright rejection. The applicants were given sufficient time to apply, from 28.06.2023 to 18.07.2023. During this period, the petitioner did not make any effort to upload the form. He rose

from slumber on the last day knocking the Commission’s door close to midnight, raising the plea of technical malfunction in the website which stands falsified by the fact that even on the last date over 5,000 forms were accepted online by the Commission.

- 6. In view thereof, there is no ground to entertain the petition.
- 7. Dismissed.

(Tribhuvan Dahiya)
Judge

August 04, 2023
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>