

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

CWP-846-2024
Date of Decision: 12.01.2024

Yogesh Kumar ...Petitioner(s)

Versus

Haryana Staff Selection Commission ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Deepak Jaglan, Advocate for the petitioner

Ms. Tanushree Gupta, DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* setting aside the list of shortlisted candidates for the post of Work Supervisor in Group 55, category 316, pursuant to advertisement no.3 of 2023, Annexure P-1; and a writ of *mandamus* directing the respondent/Commission to provisionally issue an admit card to the petitioner and allow him to appear in written examination to be held on 14.01.2024.

2. Learned counsel for the petitioner contends that the petitioner belongs to Scheduled Caste (SC) category; being eligible for the advertised post, he applied for the same before the closing date. He was called for the screening test, but not selected for the next stage/written examination vide the impugned list of shortlisted candidates notified by the Commission. Ignoring his merit, less meritorious candidates have been arbitrarily shortlisted.

3. Learned State counsel, appearing on advance notice, contends that the petitioner has rightly not been shortlisted for the written examination, as he is not even eligible for the post, for which the requisite qualifications are the following:

I). ITI certificate in Trade of Building Maintenance/ Building Construction: and

II). Two year Experience in relevant field:

The petitioner does not have two years' experience in the relevant field, which is an essential qualification. In the application form for the post, he neither claimed to possess two years' experience, nor uploaded any document/certificate regarding the same. It is also contended that after the closing date for submitting online applications, the Commission, vide public notices dated 15/16.05.2023, permitted the candidates to make corrections, if any, required in their application forms to rectify inadvertent mistake(s). Even that opportunity was not availed by the petitioner; he did not make any correction in the form, nor submitted/uploaded any experience certificate(s) establishing his eligibility for the post.

4. Heard.

5. The submissions made by learned counsel for the Commission could not be disputed by learned counsel for the petitioner. He only contends that eligibility of the candidates is to be seen on the date of interview for the advertised posts, and not at the stage of shortlisting of candidates. Therefore, at this stage the petitioner cannot be declared ineligible for want of essential qualification of two years' experience.

6. The argument advanced by learned counsel for the petitioner is unsustainable, and is hereby rejected in view of the settled proposition of law that eligibility of candidates for the advertised post is to be seen on the closing date of submission of applications; in this case it was 05.04.2023. The petitioner, therefore, has to claim and *prima facie* establish his eligibility on that date by uploading relevant documents in support thereof. Since concededly he was not eligible on the closing date, nor did he claim to be fulfilling the essential qualification, no exception can be taken to the respondent's action in not shortlisting him for the selection process/appearing in the written examination as that would be a futile exercise. It cannot be said that every candidate becomes entitled to participate in the selection process merely because he wishes to and has applied for the post, without even claiming eligibility. One should not be allowed to appear in the process for the sake of appearing. It is meant for serious candidates, who are eligible and claim to be so, and can be considered for selection as well as appointment. Permitting candidates like the petitioner to appear will unnecessarily burden the recruiting agency.

7. In view thereof, there is no ground to entertain the petition, and it stands dismissed *in limine*.

(TRIBHUVAN DAHIYA)
JUDGE

12.01.2024
Payal

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