

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

(119)

CWP-2025-2024

Date of Decision : January 31, 2024

Jitender Kumar**.. Petitioner****Versus****State of Haryana and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Varun Gupta, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that he should be allowed a special chance for the scrutiny of the documents in pursuance to the Advertisement No.5 of 2019 by which, 4858 posts of Clerks of Group -C to be filled in various Department/ Corporation/Boards etc. were advertised.

2. Learned counsel for the petitioner argues that the petitioner appeared in the written examination which was held on 22.09.2019 and the final result was declared and keeping in view the merit position of the petitioner attained in the said written examination, he was not called for further process of the selection as he was not able to obtain the minimum marks required to be called for further participation in the selection process but thereafter, keeping in view the order passed by this Court, the Commission revised the result on 17.05.2022 and the candidates were again called for scrutiny of the documents keeping in view the direction given by this Court, which revised list included the petitioner as well.

3. The candidates were required to come for scrutiny of the

documents from 21.05.2022 to 27.05.2022 but the petitioner though, was called for the scrutiny of the documents but he failed to appear.

4. Learned counsel for the petitioner submits that non-appearance of the petitioner in the scrutiny of the documents process was inadvertent as the petitioner failed to notice that he has been called for the said purpose keeping in view the fact that in the un-revised result, which was declared, the petitioner was not within the zone of consideration to be called for scrutiny of the documents.

5. Learned counsel for the petitioner further submits that another chance be given to the petitioner for scrutiny of the documents so as to consider his claim for appointment to the post of Clerk as advertised by the respondents vide Advertisement No.5 of 2019.

6. Keeping in view the service of advance copy of petition, Mr. Harish Nain, learned Assistant Advocate General, Haryana, has appeared and submits that as per the advertisement, all the information was required to be posted on the website and the candidates were required to get the information from the website only and no individual letters were sent to any of the candidates informing them about the date for scrutiny of the documents and it is a conceded position that as the petitioner did not attend the process of scrutiny of documents, no relief can be granted to the petitioner especially when all the posts advertised have already been filled up.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. It is a settled principle of law that the selection process is to be undertaken keeping in view the terms and conditions of the advertisement.

As per the advertisement, it is clear that no individual information is to be

sent to any candidate and all the candidates should regularly visit the website and public notice in different newspapers. Keeping in view the said condition, it was the duty of the petitioner himself to remain vigilant with regard to his application submitted by regularly visiting the website to know whether, the petitioner was to appear for the scrutiny of the documents or not. The claim of the petitioner that he has not been sent individual information for appearing in the scrutiny of the documents, is contrary to the terms and conditions of the advertisement. Keeping in view the terms and conditions of the advertisement, the petitioner should have been vigilant to visit the website to know the updates being posted by the respondent-Commission, the claim of the petitioner that he missed the process of the scrutiny of the documents due to the fault of the respondent-Commission, cannot be accepted.

9. Further, once the petitioner never appeared for the scrutiny of the documents, he could not have been called for further participation.

10. Keeping in view the above fact, the non-appearance of the petitioner for the scrutiny of the documents is due to the fault of the petitioner himself and not to the respondent and at this stage, when the selection has already been finalized and candidates have been recruited for appointment, no relief can be given to the petitioner for allowing him to appear for the fresh scrutiny so as to consider his claim qua the post in question.

11. No ground is made out for any interference by this Court in the present writ petition.

12. Dismissed.

January 31, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No