

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107)

CWP-5314-2024

Date of Decision : March 11, 2024

Viney and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravinder Singh Dhull, Advocate, for the petitioners.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioners is that the petitioners have not been allowed the benefit of notice dated 08.02.2024 (Annexure P-16) as well as notice dated 10.02.2024 (Annexure P-17), which have been issued by the respondents.

2. Certain facts may be noticed for the correct appreciation of the issue in hand.

3. The respondent-Commission issued an Advertisement No.3/2023 dated 07.03.2023 for filling up Group C posts, which were to be filled up on the basis of Common Eligibility Test (CET). After clearing the Common Eligibility Test, the candidates were further required to apply for the post in question. The petitioners cleared the Common Eligibility Test and applied for the post in question, copy of their application forms is

annexed as Annexure P-7.

4. It may be noticed that petitioners No. 1 and 2 namely Viney and Om Parkash initially applied for the post under Category No.243 but petitioner No.3 namely Amit never applied for the post under the Category No.243 even in his initial application.

5. Thereafter, certain representations were received by the respondents that there was a technical glitch while submitting the application form hence, the respondents gave all the candidates another chance to apply for the post in question with the clear instructions that the subsequent application form if filled, will be treated as valid application form and the categories applied for initially will not be taken into account and only the revised application form will be treated as valid for allowing the candidates to compete further. In the revised application form, petitioner No.1 Viney as well as petitioner No.2 Om Parkash, never opted for the post under Category No.243.

6. The grievance of the petitioners is that the revised application form, which was filled up by the petitioners on 12.05.2023 should be allowed to be amended so as to include Category No.243 as well.

7. As the said benefit was not being extended to the petitioners, they approached this Court, which petitions were disposed of by this Court directing the Commission to decide their claim in accordance with law by passing appropriate speaking order.

8. Now, the speaking orders have been passed by the Commission rejecting the claim of the petitioners, which orders have been appended as Annexures P-12, P-13 and P-14 with the present petition, which are under challenge in the present writ petition.

9. Learned counsel for the petitioners submits that though the

claim of the petitioners has been declined vide impugned orders (Annexures P-12 to P-14) but the respondents while passing the said orders, have totally ignored the notices dated 08.02.2024 (Annexure P-16) and 10.02.2024 (Annexure P-17), which action on the part of the respondents is arbitrary and illegal.

10. Notice of motion.

11. Mr. Harish Nain, learned Assistant Advocate General, Haryana, accepts notice on behalf of the respondents.

12. Learned counsel for the respondents submits that the claim of the petitioners has been considered and decided vide impugned orders, which are perfectly valid and legal and the benefit of the public notices Annexures P-16 and P-17, which is being sought in the present petition, is not admissible to the petitioners as in the revised application form, the petitioners never applied for the Category No.243 so as to compete for the post mentioned therein and the public notices Annexures P-16 and P-17 only relates to the candidates, who had applied for the post in question under the Category No.243 hence, the claim of the petitioners that the Department did not take into consideration the public notices dated 08.02.2024 (Annexure P-16) and 10.02.2024 (Annexure P-17) respectively, is not valid.

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

14. From the facts which have been stated hereinbefore, it is clear that the petitioners initially filled up the form after clearing the Common Eligibility Test for various categories of post, which were required to be filled up by the respondents. On the asking of the candidates, the respondent-Commission gave a chance to the candidates so as to amend

their application form so as to add or delete the post qua which they intend to compete for or do not intend to compete.

15. From the factual averments which have come on record, in the revised application form, none of the petitioners applied for the post under Category No.243. Once, the revised application form has been filled up by the petitioners and they did not apply to compete for the post under Category No.243, the benefit of public notices dated 08.02.2024 (Annexure P-16) and 10.02.2024 (Annexure P-17) cannot be claimed by the petitioners as the said benefit was only with regard to the candidates, who had claimed consideration qua the post under Category No.243 but did not attach the supporting documents.

16. Once the petitioners did not apply to compete for the post under Category No.243, no grievance can be raised by the petitioners.

17. At this stage, learned counsel for the petitioners submits that petitioner No.1 Viney as well as petitioner No.2 Om Parkash had initially applied for the Category No.243 in their initial application form and in the revised application form also the petitioners wanted to compete for the post in question but due to technical hitch, the petitioners could not mention Category No.243 in the revised application form hence, the respondents were under an obligation to grant the benefit of further revision of the application form as per public notice dated 10.02.2024.

18. It may be noticed that the application form was revised by the petitioners on 12.05.2023. The procedure of revising of application form was that after filling the category for the post for which the candidate intends to compete, the candidate was required to take the print out of the said form and thereafter sign the same and then again upload the signed application form on the website as an acknowledgment of the category to be

filled up by the candidates. Once the said procedure was followed and the petitioners uploaded the revised application form without applying for post under Category No.243, it cannot be said that there was a technical glitch which prevented the petitioners from adding Category No.243 in their revised application form.

19. Even otherwise, after the candidates had filled up the form on 12.05.2023, another chance was given to the candidates starting from 16.05.2023 to 18.05.2023 to further revised/correct their revised application form also but, no such effort was made by the petitioners to correct their revised application form so as to include Category No.243 in their revised application form.

20. That being the factual position, once even after 12.05.2023, another chance was given to the petitioners to correct their revised application form starting from 16.05.2023 to 18.05.2023, which benefit was not availed by the petitioners, no grievance can be raised by the petitioners by filing the present writ petition so as to claim consideration under public notice dated 10.02.2024.

21. No ground is made out for any interference by this Court in the present case.

22. Dismissed.

March 11, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No