



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

LPA No.1825 of 2024

Date of Decision: October 18, 2024.

Anju Rani

..... APPELLANT (s)

Versus

State of Punjab and others

..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL
HON'BLE MRS.JUSTICE SUKHVINDER KAUR**

Present: Mr. Dharm Bir Bhargav, Advocate
Mr. Kulwinder Bhargav, Advocate and
Mr. J.S.Bains, Advocate
for the appellant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 19.07.2024 passed by learned Single Bench whereby CWP No.27686 of 2023 filed by present appellant has been dismissed.

2. Appellant-writ petitioner filed the abovesaid writ petition seeking a direction to respondents to hold another type-test for her as she could not take the type test scheduled on 04.09.2023 due to eye-flu. Writ petitioner, pursuant to advertisement 29.06.2022 applied for the post of Clerk, being eligible therefor. She cleared the written examination and was called for type-test scheduled to be held

on 04.09.2023. She, however, could not take the type-test as she, it is pleaded, was suffering from eye-flu and was advised not to appear for the test. Representation was submitted by her for conducting the type-test again for her. Some other candidates, who could not appear for the type-test on 04.09.2023 also represented before the authorities for conduct of the test again. Authorities decided to give such candidates alongwith the writ petitioner another opportunity to appear in the type-test. Date for such type-test was fixed as 08.09.2023 after taking consent of the candidates. Present appellant-writ petitioner also gave her consent to appear in the type-test to be held on 08.09.2023, but she again did not appear for the same. The factum of such consent being given for second type-test on 08.09.2023 was not mentioned in the writ petition but was revealed in the written statement filed on behalf of the respondents.

3. Learned Single Bench on considering the facts and circumstances held that once opportunity was given to the writ petitioner to appear again in the type-test scheduled for 08.09.2023 and that too after consent being given by the writ petitioner, there was no occasion to afford another opportunity to the writ petitioner to take the type-test. Writ petition was, accordingly, dismissed. Aggrieved therefrom, present appeal has been filed by the writ petitioner.

4. Learned counsel for appellant-writ petitioner argued that non-appearance of the appellant for the type-test on 04.09.2023 was for reasons beyond her control. Furthermore, when 08.09.2023 was notified for conducting the type-test again, appellant had no idea that clicking on the link on the official online portal would amount to consent thereof. Appellant had clicked on the said link, but unfortunately eye-flu was not cured till 08.09.2023 and appellant was even suffering from backache, therefore, was not in a position to take the type-test on

08.09.2023. Fifteen candidates have been exempted totally from appearing in the type-test. Appellant is at par with the said candidates, therefore, she should also be exempted from taking the type-test in question. Furthermore, no prejudice would be caused to any person in case appellant is given the opportunity to appear in the type-test again. It was, thus, prayed that this appeal be allowed, impugned order dated 19.07.2024 be set aside and the writ petition filed by the present appellant be allowed as prayed for.

5. We heard learned counsel for the appellant and have gone through the file with their able assistance.

6. It is a matter of record that appellant-writ petitioner applied for the post of Clerk, pursuant to advertisement dated 29.06.2022. After having cleared written examination, she could not take type-test scheduled for 04.09.2023, statedly on account of eye-flu. It is also a matter of record that despite having given her consent for the type-test to be held on 08.09.2023, she did not take the same as well. Apart from the fact that there is no material on record to indicate that appellant-writ petitioner had ever submitted any request after 08.09.2023 alongwith any medical certificate, it is to be noted that there is no vested right with a candidate to keep asking for retest to be conducted or held repeatedly or in fact even once. Argument that a number of candidates were exempted from taking the type-test and that writ-petitioner is at par with them is also not substantiated in any manner. It is succinctly explained in reply filed on behalf of respondents that exemption from type-test was provided to those candidates who had produced a certificate from the concerned Civil Surgeon certifying them to be physically unfit for typing in terms of instructions dated 29.08.2018 issued by the State of Punjab. Learned counsel for the appellant is unable to point out any such exemption, which may ever have

been sought by appellant-writ petitioner. Learned counsel for appellant is unable to point out any illegality or infirmity in the impugned order dated 19.07.2024 which calls for interference by this Court.

7. No other argument has been raised.

8. Keeping in view the facts and circumstances as above, this appeal is dismissed being devoid of any merit. Pending application(s), if any, shall disposed of accordingly.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

October 18 , 2024.
'om'

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