



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.111

CWP-21062-2024
Date of Decision: 05.09.2024

Ashish Modgil and another Petitioners

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Suresh Kumar Kaushik, Advocate for the petitioners.
Ms. Tanushree Gupta, DAG, Haryana.
Mr. Kanwal Goyal, Advocate and
Ms. Sheena Dahiya, Advocate for respondent no.2-Commission.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking a writ of *mandamus* directing the second respondent/Haryana Public Service Commission (hereinafter referred to as 'the Commission') to provide an opportunity to the petitioners to upload scanned/PDF copies of their pre-filled application forms for the post of PGT Chemistry (Rest of Haryana cadre) and PGT Sanskrit (Mewat cadre) in response to advertisement 19 and 34 of 2024, dated 23.07.2024, Annexure P-1.

2. Brief facts of the case as pleaded in the petition are, the petitioners possessed the requisite qualifications for the posts of PGT Chemistry and Sanskrit, and applied in response to the aforementioned advertisement as General category candidates by completing all the formalities stipulated therein; copies of their application forms are appended to the petition as Annexure P-6. It is claimed that the forms are with the



Commission. However, the petitioners received text messages on their registered mobile numbers that their forms were incomplete, as signed and scanned copies of the same had not been uploaded. They immediately approached the Commission for the purpose through e-mails on 23.08.2024, with a request to permit uploading of scanned copies of the forms already filled by them, but it was not permitted.

3. Learned counsel for the petitioners has contended that all the formalities to submit the application forms were duly complied with by the petitioners, and the forms had also been submitted. Merely because the scanned copies of the forms could not be uploaded, it cannot be a ground to reject their candidature altogether. This is only a procedural lapse which deserves to be condoned keeping in view the larger public interest. The objection taken by the Commission in not accepting their candidature is hyper technical, and should not be permitted. He also contends that this is the initial stage of selection, and no prejudice will be caused to anyone in case petitioners are permitted to participate in the selection process. It is also the submission that no opportunity has been given to the petitioners to correct their mistakes, which renders the Commission's act in not accepting the forms illegal. In support of the contentions, he has relied upon Division Bench judgments of this Court in *Usha Dhillon v. State of Haryana and others*, 2014 (27) S.C.T. 407, and *Sangeeta Gupta v. Punjab Public Service Commission*, 2011 (18) SCT 966.

4. *Per contra*, learned counsel for the Commission contends that the petitioners did not follow the laid down procedure for submitting their application forms before the closing date, 20.08.2024. As per instructions given in the advertisement itself, the candidates were required to take a printout of the application form, sign it and then upload it, and the process of



submitting the application form would be completed only thereafter. Since the petitioners had not uploaded their scanned application forms after signatures, text messages were sent on their respective mobile phones twice on 14.08.2024, at 11.49 a.m. and 5.05 p.m., still they failed to upload the application forms prior to the closing date. It cannot be permitted now.

5. Heard.

6. In terms of advertisement 18 to 37 of 2024, the eligible candidates were required to submit application forms as per the guidelines/steps mentioned therein, which are as under:

The Commission invites online applications from eligible candidates for the posts of Post Graduate Teachers (PGTs) in various subjects for Rest of Haryana Cadre and Mewat Cadre, for which the guidelines/steps for submission of online application form by the candidates are as under:-

1. Candidates have to compulsorily register online by visiting regn.hpsc.gov.in directly OR through <http://hpsc.gov.in> for submitting their online application form.
2. After registration, a login ID would be created and the candidates will have to complete the registration process by using the login ID.
3. Parivar Pehchan Patra (PPP), Aadhar No. & Virtual ID (VID) is required for Aadhar authentication during Biometric attendance.
4. After completion of registration, the candidates can apply against the respective advertisement as per their qualifications.
5. Duly filled application form can be submitted only after payment of requisite fee.
6. After making payment, the candidates have to take a printout of their application form and upload the same after duly checking & signing it.



7. Application process would be completed only after submission of duly signed application form by the candidates.

For more information, log on to <http://hpsc.gov.in>.

Further, para 16 of the advertisement required as under:

16. SPECIAL INSTRUCTIONS REGARDING SUBMISSION OF APPLICATIONS:

- (i) The candidates should read the instructions and procedures carefully before starting filling the Online Application Form and check all the particulars filled up in application form after getting the printout to ensure the correctness of information and upload all documents before finally submitting the application.
- (ii) The candidates should fill all details while filling the Online Application Form. Due care should be taken by the candidates while filling up the online application form. Incomplete or defective application form shall be summarily rejected. No representation or correspondence regarding such rejection shall be entertained under any circumstances.
- (iii) xxx xxx xxx
- (iv) Candidate will be responsible for any mistake in the application form and fees paid by her/him. In case candidate feels that she/he has filled up the form erroneously, she he should fill up a fresh online application form alongwith fresh requisite fee before the Closing Date i.e. 14.08.2024.
- (v) to (viii) xxx xxx xxx

7. Accordingly, as per the sixth step to fill the application form, the petitioners were required to take a print out of their forms and upload scanned copies of the same after signatures. And as per the seventh step, the application process was to complete only after submission of duly signed application forms. The closing date for submission of forms was 14.08.2024, which was extended up to 20.08.2024. The petitioners, undisputedly, failed



to upload the signed and scanned copies of their application forms in terms of the stipulation, and received a message on their registered mobile phones on 14.08.2024 that "*Your PGT-2024 application form is INCOMPLETE. Download your form, print it, sign it and scan/upload it to complete your application. HPSC*" Apparently, after receiving the message the petitioners had clear six days to upload the complete application forms as required, but failed to do so for no valid reason. Approaching the Commission through e-mails on 23.08.2024 is of no use, as the closing date for submission of forms, 20.08.2024, had already passed by then. In case the Commission did not accept the forms after the closing date, no exception can be taken to it. As per the settled law, the closing date cannot be extended. Besides, any extension of time in such circumstances would rather amount to giving benefit to the petitioners for their negligence in failing to comply with clear stipulations/steps in the advertisement regarding submitting the forms, and also for their lethargy in not responding timely to the notices to submit complete forms. The view taken by the Commission is neither hyper-technical, nor can the lapse on the petitioners' part be termed procedural. Instead, duly submitting complete forms after signatures, by following the prescribed procedure is *sine qua non* to participating in the selection process; it is a mandatory requirement that is to be complied with by everyone. Unless a candidate duly signs the form, certifies the information submitted therein to be correct, and undertakes to bear the consequences for furnishing any wrong information, as also for violating the conditions stipulated in the advertisement, he/she cannot be allowed to participate in the selection process. It is an essential element in ensuring accountability of the candidates and maintaining sanctity of the process.

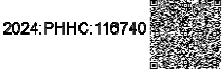


8. The judgments relied upon by learned counsel for the petitioners have no application to the facts and circumstances of the instant case. In *Sangeeta Gupta* case (*supra*), the Commission had invited applications for the post of PCS (Executive Branch), and the closing date was 28.12.2009. The age limit to apply was twenty-one to thirty-five years, relaxable for the reserved categories up to forty-five years. The petitioner therein, who had been working as a Junior Lab Technician since 1995, applied for the post, though she was more than thirty-five years old at that time. Initially, she was permitted by this Court to participate in the selection process temporarily, but her petition was later dismissed on 22.04.2010. Thereafter, in another case a Division Bench of this Court vide order, dated 25.05.2010, held that the upper age limit for government employees to apply for the post would be forty-five years, instead of thirty-five. As a sequel to the directions issued by this Court, the Commission published a corrigendum on 22.06.2010, calling upon all the eligible candidates who did not submit their application forms earlier, to do so on or before 14.07.2010. The petitioner represented to the respondents on 08.07.2010 requesting them to consider her application for the post which had already been submitted, on the assumption that she would not be required to apply afresh in terms of the corrigendum. The Commission, however, did not accept her candidature on the basis of earlier application on the plea that her writ petition had already been dismissed by the Court, and a fresh application was required to be filed. In these circumstances the Division Bench held that it was a procedural lapse on the petitioner's part in not submitting her fresh application as required by the corrigendum, though she had made a request to the Commission within the stipulated time, to consider her candidature on the basis of earlier application submitted by her for the post in question. In the



instant case, however, no such situation arises, and the petitioners have failed to submit the application forms before the closing date.

9. The reliance placed by learned counsel for the petitioners on *Usha Dhillon* case (*supra*) is also misplaced, since the Division Bench was dealing with an altogether distinct factual situation. The petitioner therein had applied under Ex-servicemen (ESM) category on 29.09.2014, well before the last date of submitting the application forms, 18.10.2014. However, when she took a print out, she was shocked to notice that the category against which the application had been accepted was Special Backward Class (SBC). She immediately approached the Commission on the same day, i.e., 29.09.2014, and apprised them about the problem. She also submitted a formal application, dated 01.10.2014, requesting that her candidature should be considered under ESM category. Accordingly, it was a case where the application had been uploaded and the representation for correction of category was made prior to the closing date for submitting of forms. Besides, in that case, there was no provision on the Commission's website to permit an applicant to correct the form once it was uploaded. In these circumstances, it was held that the application form could not have been rejected at the threshold by taking a hyper technical objection, and a direction was issued to consider the petitioner under ESM category. The petitioners in the instant case, as already observed, have failed to apply before the closing date despite ample opportunity. Besides, there is clear stipulation in para 16 clause (iv) of the advertisement that, '*... in case candidate feels that she/he has filled the form erroneously, she/he should fill up a fresh online application form along with fresh requisite fee before the Closing Date i.e. 14.08.2024*'.



10. In view thereof, there is no reason to entertain the petition, and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

05.09.2024
Maninder

Whether speaking/reasoned : Yes
Whether reportable : Yes