

Date of Decision: 09.09.2024

Alka Petitioner

State of Haryana and others ... Respondents

Satish Kumar

Haryana Public Service Commission ... Respondent

Present: Mr. Sanchit Punia, Advocate
for the petitioner in CWP-22202-2024.

Mr. Rajesh Nain, Advocate
for the petitioner in CWP-22769-2024.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Kanwal Goyal, Advocate and
Ms. Sheena Dahiya, Advocate for the Commission.

TRIBHUVAN DAHIYA, J. (ORAL)

These petitions have been filed on similar facts and common issues arise therein for adjudication. Accordingly, the same are being decided together. For brevity, the facts are being taken from CWP No.22202 of 2024, which has been filed seeking a writ of *certiorari* quashing guidelines/step 6 of advertisement 18 to 37 of 2024, dated 23.07.2024,



Annexure P-1, whereby the candidates are required to upload the signed application form for the post; and a writ of *mandamus* directing the respondents to consider the petitioner's candidature for the post of PGT Mathematics (Rest of Haryana and Mewat cadre) as a general category candidate pursuant to the aforesaid advertisement.

2. Learned counsel for the petitioner contends that sixth step of guidelines for submission of online application forms, requiring the candidates to sign and upload their application, is arbitrary and discriminatory. There is no rationale in prescribing the condition, especially when the Commission has not laid down any such condition for the candidates for other posts vide different advertisements. He has referred to advertisement 17 of 2024, dated 06.07.2024, Annexure P-2, in this regard, wherein sixth step of the guidelines only requires the candidates to take a print out of their online application form and retain its copy for future reference. Learned counsel further contends that the petitioner is fully eligible for the advertised post. She registered herself online on the Commission's portal by submitting the application form, Annexure P-8, and was allotted application no.PGT-MTH01415, after she made payment of requisite fee vide payment reference no.103762539797. Thereafter, as per sixth step of the guidelines, she printed the application form but could not upload the same after signatures, as there was an error on the Commission's website. He has referred to a screenshot, Annexure P-9, taken by the petitioner on 26.07.2024, indicating that there was an error in the web server while processing her request. On the last date to submit the forms, 14.08.2024, also there was a glitch in the server. In these circumstances, the application form could not be uploaded, and the petitioner cannot be blamed for the same. Besides, uploading of a signed copy of the application form is



irrelevant for the purpose of selection, and should not be insisted upon by the Commission.

3. *Per contra*, learned counsel for the Commission contends that sixth step of the guidelines has been incorporated with a relevant purpose, as all the candidates should check their particulars in the application form, viz., name, category preference, domicile, date of birth, category, parentage, address, etc., before uploading the same after signatures. This is to rule out any confusion during the process of selection. On specific instructions, he further contends that there was no error on the Commission's website on 14.08.2024, as contended by learned counsel for the petitioner. Thousands of application forms were uploaded by the candidates on that day, and were accepted too. Besides, the last date for submission of application forms was extended from 14.08.2024 to 20.08.2024. The petitioner was sent a message on her registered mobile phone on 14.08.2024 at 4.05 p.m., Annexure P-10, informing that her application form was incomplete and she was required to sign/scan and upload the complete form. But no steps were taken by her to upload the same, and it cannot be submitted after the closing date.

4. Heard.

5. In terms of advertisement 18 to 37 of 2024, the eligible candidates were required to submit their 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. to 5. xxx xxx xxx



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>.

6. Under similar facts and circumstances, the rationale of sixth step of the guidelines to fill up the application form prescribed in the advertisement in question was examined by this Court in CWP No.21062 of 2024, holding as under:

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

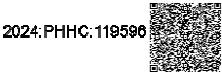


passed by then. In case the Commission did not accept the forms after the closing date, no exception can be taken to it. As per the settled law, the closing date cannot be extended. Besides, any extension of time in such circumstances would rather amount to giving benefit to the petitioners for their 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.

Accordingly, the sixth step of the guidelines has been incorporated for well founded reasons, and there is nothing arbitrary or irrational about it.

7. It cannot be said that in advertisement 17 of 2024 such a condition was not there, as para 14 (i) of the advertisement stipulates that

'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. All the candidates have to submit/upload the scanned copy of duly signed application form after checking of their particulars’. Therefore, reliance upon the said advertisement to claim discrimination by learned counsel for the petitioner, is also misplaced.

8. In view thereof, there is no reason to entertain the petitions, and the same stand dismissed.
9. A photocopy of this order be placed on connected file.

(TRIBHUVAN DAHIYA)
JUDGE

09.09.2024
Maninder

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No