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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-2753-2024 (O&M)

Date of decision: 12.11.2024

Aditi

.....Appellant

V/s

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Aniket Sindhar, Advocate
for the appellant.Mr. Kanwal Goyal, Advocate
for the respondent-HPSC.

DEEPAK SIBAL J. (ORAL)

1. The instant intra Court appeal is directed against judgment dated 16.10.2024 rendered by a learned Single Judge of this Court dismissing the appellant's petition through which she had sought issuance of directions to the Haryana Public Service Commission (for short – the Commission) to permit her to take part in the selection process leading to the appointment as a Post Graduate Teacher (for short - PGT) (Economics).

2. A few relevant facts may be noticed.

3. Through advertisement dated 23.07.2024, the Commission invited applications for appointment to several posts of PGTs. As per the advertisement, the candidates were first required to register online by visiting the given website. At the time of registration, a login ID would be created and the candidates would have to then complete the registration process by using the login ID. After registration, the candidates could apply online against the



post qua which they were qualified. The advertisement further provided that at the time of making the online application payment of the requisite fee was also to be made and thereafter, the candidates were required to take out a print out of their application form and then upload the same after duly checking the particulars contained therein and appending thereto their signatures. As per the terms of the advertisement, the application process would be deemed to be completed only after a candidate would have submitted his duly signed application form. The last date to apply was 14.08.2024 which through an Addendum dated 16.08.2024 was extended to 20.08.2024.

4. On 16.08.2024 the appellant, after registering herself, applied online for consideration of her candidature for appointment as PGT (Economics). However, she did not take out a print out of her application form and after checking her particulars as also appending her signatures thereto did not submit the same. On this ground, the Commission rejected her candidature. At that stage, the appellant knocked the doors of this Court through filing of a writ petition through which she submitted that on 16.08.2024 she had tried to upload her duly signed application form but failed to do so on account of some technical glitch for which she could not be faulted. Accordingly, she sought issuance of directions to the Commission to consider her candidature for appointment as PGT (Economics). A learned Single Judge of this Court dismissed the appellant's petition on the ground that she had failed to comply with the terms of the advertisement. Such judgment is challenged through the present intra Court appeal.

5. Learned counsel for the parties have been heard.

6. Through advertisement dated 23.07.2024 the Commission invited online applications from eligible candidates for appointment as PGTs in



various subjects. The last date to apply was 14.08.2024 which was later extended to 20.08.2024. The relevant conditions contained on Page 1 of the advertisement read as follows:-

“1. Candidates have to compulsorily register online by visiting regn.hpssc.gov.in directly OR through <http://hpssc.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.

(emphasis supplied)”

7. As per the afore reproduced conditions contained in the advertisement after registration and deposit of the application fee a candidate was required to take a print out of their application and upload the same after duly checking the contents thereof and appending their signatures thereupon and that only thereafter the application process would be deemed to have been completed.

8. Admittedly, the appellant did not upload her application form after appending her signatures thereto. According to the appellant, she had tried to do so on 16.08.2024 but due to a technical glitch could not. Since, the last date to apply was 20.08.2024, therefore, even if we accept the afore explanation offered by the appellant, nothing precluded her from uploading her duly signed application form on 17.08.2024 or 18.08.2024 or 19.08.2024 or even on 20.08.2024. It is not the case of the appellant that she even tried to



upload her duly signed application form from 17.08.2024 till 20.08.2024. Even otherwise, this plea of the appellant seems to be improbable because we are informed by the learned counsel for the Commission that on 16.08.2024 as many as 431 candidates had successfully applied for consideration of their candidature on the given website. In these facts, at this stage, to accept the appellant's plea would also upset the entire selection process and result in chaos especially when the afore reproduced clauses 6 and 7 of the advertisement have not been challenged by the appellant.

9. In LPA-1516-2017 – Saket Sheoran Vs. Haryana Public Service Commission and another, the appellant therein, submitted his online application and also deposited the requisite fee but thereafter, as required, under the terms of the advertisement, did not deposit a hard copy of his application form. On this ground, when his candidature was rejected by the Commission, he petitioned this Court. A learned Single Judge dismissed his petition against which he preferred an intra Court appeal. A Co-ordinate Bench also refused to grant him any relief by holding as follows:-

“In view of the decisions cited above, we are of the opinion that the appellant cannot be granted any relief in this LPA since the appellant had not submitted hard copy of his application to the respondents before the cut-off date as prescribed in the advertisement, and since such cut-off date has to be scrupulously adhered to. Also no power of relaxation is shown to be vested with the respondents to relax the same and such power of relaxation has not even been indicated in the advertisement concerned.”

10. Through Special Leave to Appeal (c) 7298 of 2022 Saket Sheoran challenged the judgment of the Division Bench before the Supreme Court which SLP of his was also dismissed by the Supreme Court on 06.05.2022.

11. A Full Bench of the Allahabad High Court in Rajendra Patel Vs. State of U.P. and another AIR 2015 Allahabad 161, considered and decided against the petitioner therein a similar issue as in the present case. The



petitioner therein applied online for appearing in the examination. As per the prescribed terms, a hard copy of the application was also required to be sent to the Commission by speed post which he did but the same was received by the Commission on 31.10.2014 which was beyond the last date prescribed for acceptance of the hard copy. Resultantly, Rajendra Patel's candidature was rejected. He petitioned the Allahabad High Court seeking issuance of directions to the Commission for consideration of his candidature. The matter was referred to a Bench of 3 Judges which opined as follows:-

“16. The Commission while conducting the Combined Services Examination had clearly placed all the candidates on notice of the fact that the process of submitting applications for appearing at the main examination involves four stages. The advertisement which was issued by the Commission on 4 October 2014 delineated each one of the four stages and prescribed a last date for compliance. The question of compliance at a subsequent stage arises only when the prior stage has been completed by the prescribed last date. In the first stage, the candidate is required to visit the website for the purpose of selecting the examination centre and the optional subjects. In the second stage, the candidate has to submit the examination fee through the prescribed electronic mode. In the third stage, the candidate has to submit the application online after deposit of the examination fee and obtain a print out of the online format by the date prescribed. In the fourth stage, the candidate is required to submit a conventional hard copy complete with all documents in the office of the Commission either through registered post or by personal delivery by a stipulated last date. All the candidates were also placed on notice that in the event they do not comply with the stages as prescribed, the candidature would stand rejected.

17. Having regard to the clear stipulations which are contained in the advertisement which was issued by the Commission and the instructions to candidates in the brochure, all candidates were placed on an unambiguous notice in regard to the process of compliance and the consequences of a breach. Compliance was not made optional but was mandatory for all the candidates. When the Commission holds public examinations on such a large scale, candidates must be clearly aware of the fact that it is not open to a candidate to decide as to when an application should be submitted and compliance with the time schedule which has been indicated is mandatory. If this is not read to be mandatory, the entire process of holding an examination would stand dislocated. If no last date for the receipt of the hard copy of the application with the documents were to be provided for, the issue



which would arise would be until when would the Commission be required to consider the application submitted. Should this be until the examination is held or should this continue until the date fixed for the holding of the interview? These aspects cannot be left in uncertainty more so at the individual discretion of candidates. The submission of the hard copy of the application together with the documents is not a mere ministerial act nor does it constitute a mere confirmation of the application which has been submitted online. Candidates who submit applications online are still required to submit full documentary evidence which evinces eligibility and satisfaction of the required conditions. For instance, a candidate who applies for a particular post may be required to hold a qualification with a specialisation in a particular subject. It is only on scrutinising the application and the documents that the Commission can determine whether the candidate does fulfil the required conditions. This process cannot be left in a perpetual state of indecision or uncertainty. Hence, we are of the view that as a matter of first principle, the time schedule which was prescribed by the Commission for submission of the print out copy of the application submitted online with the documents was of a mandatory nature. Noncompliance with the schedule would invite the consequence which was clearly specified, namely the rejection of the candidature of the applicant.

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22. For these reasons, we hold that where the Commission requires the submission of a hard copy of the online application together with all accompanying documents by a prescribed last date and has clearly placed the candidates on notice of the fact that an application which is submitted beyond the last date together with the prescribed documents would result in the invalidation of the candidature, the condition which has been imposed by the Commission would have to be scrupulously observed. It would not be open to the Court to hold that notwithstanding such a clear condition, an application which has not been received by the last date should be entertained. The Commission has given an option to candidates of submitting their applications in the hard copy by either of the two modes, namely by registered post or by personal delivery. A candidate who has opted for one of the two modes, is required to comply with the condition that all the requisite four stages are completed within the time stipulated.”

12. In the light of the afore facts and the law laid down by this Court in Saket Sheoran’s case (supra) and Rajendra Patel’s case (supra) by the Allahabad High Court with which we respectfully concur, we find no merit in the instant appeal.



13. Dismissed.
14. All pending miscellaneous application(s) shall also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

12.11.2024

Sapna Adhikari

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