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

(216) **CWP-27686-2023**
Date of Decision : July 19, 2024

Anju Rani **.. Petitioner**

Versus

State of Punjab and others **.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dharam Bir Bhargav, Advocate, with
Mr. Kulwinder Bhargav, Advocate and
Mr. Sagar, Advocate, for the petitioner.

Mr. Amarpreet Singh Bains, Assistant Advocate General,
Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that the petitioner competed for the post of Clerk as advertised by the respondents vide Advertisement No.15 of 2022 dated 29.06.2022 but could not appear for the type test scheduled on 04.09.2023 due to eye-flue and hence was marked absent by the respondents.

2. As per the selection criteria, the candidate was required to clear the written examination after which, type test was to be cleared in order to get selected for the post in question. The petitioner appeared in the written examination and cleared the same. As per the respondents, the type test was scheduled on 04.09.2023 but the petitioner sought exemption on the said date on the ground that she was suffering from eye-flue and was advised not to appear in the test.



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3. Learned counsel for the petitioner submits that keeping in view the said fact, the respondents should conduct a type test of the petitioner to ascertain the eligibility and fill up the post of Clerk by considering the claim of the petitioner as well.

4. Upon notice of motion, the respondents have filed the reply. As per the respondents, the type test was fixed for 04.09.2023 and the request of the petitioner was received that she is suffering from eye-flue. Learned State counsel submits that as per the reply, some other candidates also could not appear for type test on 04.09.2023 hence, it was decided give the candidates another opportunity to clear the type test and another date for type test was fixed as 08.09.2023. The consent of the candidates, who could not appear on 04.09.2023, was called for for appearing in the type test scheduled for 08.09.2023 and the petitioner gave her consent to appear in the said type test to be held on 08.09.2023 but ultimately, did not appear for the same for the reasons best known to her and therefore, it cannot be said that due opportunity was not given to the petitioner to clear the type test so as to become eligible for selection/appointment to the post of Clerk.

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

6. The candidates are to be selected keeping in view the criteria fixed by the employer/selecting agency. As per the criteria fixed by the respondents, a candidate has to clear the type test in order to claim consideration for selection and consequent appointment to the post of Clerk.

Though, the petitioner had a valid reason for not appearing on the type test on 04.09.2023, which she conveyed to the Department as she was suffering

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from eye-flue, but as per the respondents, the petitioner gave consent for appearing in the type test fixed for 08.09.2023. Nothing has come on record to deny the said factual averment.

7. Once, the petitioner was given an opportunity to appear in the type test on 08.09.2023 and to clear the same, which opportunity was availed by other candidates who could not appear on 04.09.2023, it cannot be said that the claim of the petitioner is being rejected without giving her ample opportunity to compete for the post in question.

8. Once opportunity was given to appear in the type test scheduled for 08.09.2023, which was consented to by the petitioner so as to appear in the said type test, by not appearing in the type test, without any valid reason, the petitioner lost her right to claim that there should be another type test conducted.

9. Keeping in view the facts and circumstances of the present case, no further chance can be given to the petitioner to appear in the type test as selection needs to be conducted and candidates cannot be allowed to direct the authorities at to when examination/type test should be conducted to assess their candidature. No ground is made out for any interference by this Court in the present case.

9. Dismissed.

July 19, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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