

Date of Decision : 28-02-2025

1. CWP-19133-2021 (O&M)

PARDEEP KUMAR AND OTHERSPetitioner(s)
VERSUSHIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
AND OTHERSRespondent(s)

2. CWP-19784-2021 (O&M)

MUNI RAM AND OTHERSPetitioner(s)
VERSUSHIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
AND OTHERSRespondent(s)

3. CWP-19968-2021 (O&M)

RAGHVIR SINGHPetitioner
VERSUSHIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
AND OTHERSRespondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pardeep K. Rapria, Advocate with
Mr. Ripu Daman Boora, Advocate
for the petitioners.Ms. Sangita Dhanda, Advocate
for respondent Nos.1 and 3.Mr. Jasdev Singh Mehndiratta, Advocate and
Mr. Anmol Sharma Vashisht, Advocate
For respondent No.2.**HARSIMRAN SINGH SETHI, J. (Oral)**

1. Present bunch of three writ petitions involve common question of law in the context of common set of facts and thus they are being decided by a common order.

2. In the present bunch of petitions, the grievance being raised by the petitioners is that the selection process for the post of Driver was conducted by the respondent No.2-Centralised Recruitment of Staff of Subordinate Courts but, the petitioners even though were fully eligible to participate in same were not allowed to participate due to the fact that the petitioners failed to produce the certificate qua the COVID-19 vaccination or the RTPCR test showing that the petitioners tested negative for COVID-19.

2. Learned counsel for the petitioners submits that once, the petitioners were vaccinated, showing the negative RTPCR report conducted within 72 hours of the date of examination i.e. 19.09.2021, is arbitrary and illegal hence, petitioners should be allowed again to compete for the post in question.

3. Upon notice of motion, the respondents have filed the reply wherein, the respondents have stated that at the time when the selection process was being conducted for the post of Drivers, there was a large number of candidates who were to gather for examination qua the post of Drivers which was scheduled to be held on 19.09.2021. Keeping in view the COVID-19 pandemic, in order to maintain the safety of all the candidates, the recruiter respondent No.2 while sending the roll numbers to all the candidates, mentioned two conditions on the website for the candidates who were to come to appear in the examination, first being that they should be vaccinated for COVID-19 and, second being, that they should have RTPCR test report conducted within a period of 3 days prior to the holding of the examination showing that such candidates were not infected with COVID-19.

4. Learned counsel for the respondents submits that the SMS and e-mail regarding these two conditions was also sent to the petitioner which was received by them on 08.09.2021 and thus, they had enough time to get themselves the negative test report for COVID-19 so as to participate but as the petitioners failed to get themselves checked up and were not having the negative RTPCR test report for COVID-19, they were not allowed to entered the examination hall, which non-allowance was not for any other purpose but for the safety of all the other candidates who were appearing in the examination keeping in view the COVID-19 pandemic.

5. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

6. The question which arises for consideration in the present case is whether the condition of obtaining a negative RTPCR test report conducted within a period of 3 days of the examination which was scheduled to be conducted on 19.09.2021, in the facts and circumstances is valid or not.

7. It is a known fact the whole world suffered the curse of COVID-19 pandemic. In order to safeguard the health of the candidates appearing for exam, the Committee decided to prescribe the condition that the candidates should ensure that they were not infected with the pandemic of COVID-19 and should produce a certificate issued to them regarding the same within a period of 3 days of the examination scheduled to be held on 19.09.2021. The same was not for any ulterior purpose but for the safety of the candidates appearing in exam hence, prescription of such condition was for all the candidates including the petitioners for their health.

8. It is also not a case of the petitioners that they were not aware of the said condition or it was impossible for them to obtain a negative RTPCR test report for COVID-19 so as to participate in the selection.

9. As per the reply filed, the petitioners were sent the admit card along with the said condition as well as an e-mail and SMS on their registered e-mail ID and mobile number, which was received by them about 10 days before holding of the examination on 19.09.2021. There is nothing on record to show that the petitioners due to some valid reasons could not have produced the negative RTPCR test report so as to participate in the said selection process. As the petitioners failed to get themselves examined so as to get a certificate of the negative RTPCR test report the action of recruiter-respondent No.2, not allowing them to participate in the selection process with regard to the safety measures undertaken, cannot be treated as arbitrary and illegal keeping in view the fact and circumstances of the COVID-19 pandemic.

10. Keeping in view the totality of the circumstances, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

11. Present bunch of petitions stands dismissed.

12. Pending application, if any, also stands disposed of.

13. Photocopy of this order be placed on the files of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

28-02-2025
Sapna Goyal

NOTE: Whether speaking: YES
Whether reportable: NO