

(2013) 07 P&H CK 0681
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 14074 of 2013 (O and M)

Nisha Devi

APPELLANT

Vs

Punjab and Haryana High Court and Another

RESPONDENT

Date of Decision : 04-07-2013

Acts Referred:

Citation : (2013) 172 PLR 20

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : G.C. Shahpuri, for the Appellant;

Final Decision : Dismissed

Judgement

Tejinder Singh Dhindsa, J.—The Central Recruitment Agency, High Court of Punjab & Haryana, Chandigarh issued a notice dated 23.11.2012 inviting applications online for filling up 790 posts of Clerks in the subordinate courts of Haryana. In the advertisement the basic essential qualifications were prescribed. The selection process envisaged a process of shortlisting followed by a written test and only such candidates, who were to qualify the written test were eligible to participate in a Computer Proficiency Test. The relevant clause in the advertisement captioned as "HOW TO APPLY ONLINE" read in the following terms:-

The online registration/filling of application forms by the applicants will consist of two steps.

1. Registration Step I:

Applicant will get his Registration ID and password and will print "Cash Deposit Receipt" for deposit of fee in the designated bank (State Bank of India).

2. Registration Step II:

Applicant to fill the remaining particulars, fee payment details in the form and

then to "Lock & Submit" the application form. The detailed steps for Registration are given below:

Pre-Requisites for Step I:

Applicants are required to have a valid personal active E-mail ID as all the information regarding recruitment process will be sent on their recorded E-mail ID. In case an applicant does not have a valid personal E-mail ID, he/she should create his/her new E-mail ID before applying online and must maintain the Email account throughout the selection process. Applicants must give a valid Mobile number, as all the SMSes during the process will be sent on that number. Candidates are advised not to give mobile number of unknown person/stranger to avoid any future complication.

It has been pleaded that the petitioner possessed the requisite qualifications for the post of Clerk and had submitted the application online prior to the stipulated cut off date. The petitioner having been short listed was called upon to appear in the Written Test which was conducted on 24.3.2013.

2. The instant writ petition has been filed raising a grievance that on account of a communication gap, she has been denied her chance to participate in the Computer Proficiency Test that was conducted on 15/16.6.2013. Accordingly, a prayer has been made for the issuance of a Writ in the nature of Mandamus for directing the Central Recruitment Agency of this Court to conduct such Computer Proficiency Test of the petitioner by affording a special chance to her.

3. Learned counsel for the petitioner with regard to such prayer would submit that the petitioner had duly qualified the written test which was conducted on 24.3.2013 and no information was supplied to the petitioner as regards holding of the Computer Proficiency Test and no Email in regard thereto was received by her. To fortify such submission, it has been argued by counsel that the Email that was received by the petitioner was in the Spam Folder and not in the Inbox. That apart, it has been argued that the petitioner did not even receive any notification as regards holding of the Computer Proficiency Test through S.M.S. on her mobile number.

4. The grievance raised by the petitioner with regard to the requisite notification having not been passed on to her as regards holding of the Computer Proficiency Test is wholly misplaced. In the advertisement itself it was clearly stipulated that a pre-requisite for applying online is that a candidate should have a valid personal active Email ID as all the information regarding recruitment process was to be sent through such Email ID. Candidates were further put to caution that they must maintain the Email Account throughout the selection process. It has not been disputed by learned counsel appearing for the petitioner that the Email sent by the Central Recruitment Agency was received by the petitioner but it is sought to be contended that it was received only in a Spam Folder. Be that as it may, the petitioner having been put to notice at the very outset that information regarding recruitment process was to be sent only through Email ID, as an

aspirant for the post and having already cleared the Written Examination the petitioner was expected and obligated to have checked her personal active Email ID including the Spam Folder.

5. Counsel has argued that a challenge in the present writ petition has also been raised as regards the condition in the advertisement dated 23.11.2012, whereby candidates were required to create and maintain an Email account to facilitate the passing of information regarding recruitment process. In this regard it has been argued that such condition was arbitrary and unfair and worked to the disadvantage of those candidates who live in the rural areas. Accordingly, it has been submitted that the respondent authorities should have resorted to informing the candidates through some written communication.

6. I am unable to accept even such contention. Learned counsel for the petitioner very fairly conceded during the course of arguments that hundreds of candidates had appeared in the Computer Proficiency Test that was held on 15/16.6.2013. It is not the case of the petitioner that the other candidates who had qualified the written test and had subsequently appeared in the Computer Proficiency Test had been informed through any other mode. Informing a candidate through computer mail is a progressive step and is in keeping with these days of advance technology. Adopting such mode cannot be construed to be unfair or unreasonable. Even otherwise, in the advertisement itself the applicants have been advised to visit the website www.recruitmenthighcourtchd.com to check for regular updates and important information.

7. At this stage, learned counsel for the petitioner would make a submission that a lenient view be taken on account of the fact that the result of the Computer Proficiency Test has not been declared and the petitioner be permitted to appear in such test by way of a special chance. Even such prayer cannot be accepted. In every process of selection a certain time frame is stipulated. Such time frame would apply in relation to the various stages of the selection process. It is in the interest of the candidates as also the recruiting agency for such time frame to be strictly adhered to. Accepting the prayer of the petitioner would amount to permitting a deviation from the advertised time frame and would thereby introduce an element of arbitrariness. Accepting such prayer would also mean that a selection process would never be finalized. For the reasons recorded above, I find no merit in the petition and the same is, accordingly, dismissed.

Petition dismissed.