

Before Ajay Tewari, J.

KAPIL— Petitioner

versus

STATE OF HARYANA — Respondent

CWP No. 9683 of 2017

May 05, 2017

Constitution of India, 1950 — Art. 226 — Whether filing of hard copies of documents along with application illegal or not? — After submitting on-line application, the candidates had to submit hard copies also after few days — Last date for receipt of hard copy was 06.04.2016 — Petitioner had sent it on 15.03.2016 through ordinary post — Petitioner took stand that once the respondents had taken recourse to the option of applications on-line, there was no rationale for sending copies — Petition dismissed.

Held that it cannot be held that merely because selecting body has permitted the candidates to apply on line, it would be illegal for it to require submission of hard copies along with certificates also. More-so, it can also not be last sight of that the petitioner, not challenge the condition when the advertisement appeared. Writ Petition dismissed.

(Para 4)

AJAY TEWARI, J. (ORAL)

(1) The petitioner has challenged the action of the respondents in not allowing him to proceed in the selection.

(2) The ground was that after submitting on-line application, the candidates had to submit hard copies also after a few days. However, hard copy of the petitioner did not reach the office of the Commission.

(3) Counsel for the petitioner has argued that the last date for receipt of hard copy was 6.4.2016 and the petitioner had sent it on 15.3.2016 (though by ordinary post). As per him, once the respondents had taken recourse to the option of receipt of applications on line, there was no rationale for sending hard copies.

(4) This argument, though sounds attractive at first blush, cannot be accepted for more reasons than one. In the first place, a perusal of the advertisement shows that along with the hard copy of the application, copies of the requisite certificates had to be annexed and

there was no provision for submission of copies of certificates etc. with on-line application. Argument of counsel for the petitioner is that once a person is permitted to apply on-line, it is not difficult for him to send scanned copies of his certificates also. This may be a valid suggestion but the issue before me is whether the requirement of filing hard copies is illegal. In my opinion, it cannot be held that merely because the selecting body has permitted the candidates to apply on line, it would be illegal for it to require submission of hard copies along with certificates also. More-so, it can also not be lost sight of that the petitioner did not challenge this condition when the advertisement appeared. Rather, in his own way, he complied with the same and it is only because his hard copy was allegedly not delivered by the postal department that he has challenged the same by way of this writ petition. In this connection also in the advertisement itself it had been clarified as follows :-

“5. Haryana Public Service Commission will not be responsible for any delay on the part of Postal Department or Courier Agencies and all the applications received after the closing date will be rejected outrightly.”

(5) In the circumstances, I regret my inability to grant any relief to the petitioner. In a bunch of two writ petitions viz CWP Nos.7229 and 7553 of 2017, *Manoj Kumar* versus *State of Haryana and others*, and *Rinku and another* versus *State of Haryana and another*, decided on 24.4.2017, this Court has held as follows :-

“Having regard to the candidature instructions given in the advertisement, it is crystal clear that hard copy of the application is required to be submitted on or before 22.1.2016. The petitioners do not possess the requisite documents to show that they have submitted their hard copy prior to 22.1.2016. Therefore, in the absence of necessary material, petitioners' candidature has been rightly rejected. Accordingly, petitions stand dismissed.”

(6) It may not be out of place for me to request respondent No.2 to consider whether any alternative can be utilized whereby candidates who apply for jobs do not have to undergo double trouble of first filing on line applications and then wastage of valuable papers to send hard copies. Respondent No.2 would also keep in mind the fact that any information or document supplied by any candidate is only provisionally accepted and in the event of any candidate being selected by the ultimate employer, invariably all the documents are sent for

verification. Even otherwise, it cannot be lost sight of that governments across the country are propounding that the earlier colonial mindset of mistrusting citizens is being now done away with and ever so often news items appear where the government has allowed self-certification of documents. In line with this more humane approach it may not be a bad idea for respondent No.2 to consider whether some system cannot be evolved whereby only on-line applications are required and at a subsequent stage original documents of the candidates are checked by way of process of scrutiny (which is also resorted to in many cases).

(7) With these observations, the present writ petition is dismissed. Registry is directed to send a copy of this order to the Haryana Staff Selection Commission also for its consideration.

(8) Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

Amit Aggarwal