



**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

O.A.NO.060/00489/2020  
(Reserved on: 06.08.2020)  
Pronounced on: 07.08.2020

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)  
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)**

1. Ajit Singh aged about 46 years S/o Jai Singh R/o House No. MIG-694, Housing Board Colony, Nasibpur, Narnaul, District Mahendergarh, Haryana-123029 (Group-A).
2. Pawan Kumar aged about 50 years S/o Raghubir Singh R/o H. No. D-23, Sector-35, Suncity, Rohtak, Haryana-124001 (Group-A).

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Applicants

**(BY ADVOCATE: MR. VIJAY PAL)**

VERSUS

1. Union of India, Ministry of Personnel, Public Grievances and Pensions & Department of Personnel and Training, New Delhi through Chief Secretary-110001.
2. Chief Secretary to Government of Haryana, Haryana Civil Secretariat, Sector-1, Chandigarh-160001.
3. Chief Secretary to Government of Haryana, Haryana Civil Secretariat, Sector-1, Chandigarh-160001.
4. Principal Secretary to Government of Haryana, personnel Department, Haryana Civil Secretariat, ector-1, Chandigarh-160001.
5. Director General, Higher Education, Haryana, Shiksha Sadan, Sector-5, Panchkula, 134113.
6. Chairman, Haryana Public Service Commission, Bays No. 1-10, Block-B, Sector-4, Panchkula-134112.
7. Principal, Government College, Narnaul, District Mahendergarh, Haryana-123029.
8. Principal Government College, Sampla, District Rohtak, Haryana-124001.

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Respondents

**(BY ADVOCATES: MR. ADIYA GAUTAM, FOR RESPONDENT NO.5  
MR. KIRAN PAL SINGH, ADDL.AG, HARYANA,  
FOR RESPONDENT NO.2,3,4,6 AND 7.  
NONE FOR RESPONDENTNO.1.**



**ORDER**  
**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)**

M.A.No.060/00618/2020 is allowed and both the applicants are allowed to file a joint Original Application (O.A).

2. The applicants have filed this O.A under section 19 of the Administrative Tribunals Act, 1985, seeking issuance of direction to the respondents to allow them to participate in the selection process for appointment to Indian Administrative Service (IAS) against non-SCS quota, in pursuance to the advertisement dated 20.6.2020 (A-4) by accepting their application forms and issue them admit cards for appearing in the written test fixed for 9.8.2020 and to allow them to participate in the further process and to quash and set aside the action of respondents in orally informing them that they had not submitted their Annexure A application form on line etc.

3. Before touching upon the issues involved, let us have a bird's eye view of the facts of the case and terms and conditions of the relevant advertisement. Applicant No.1 is working as Associate Professor in English at Govt. College Narnaul, District Mahendergarh in Pay Band-3 of Rs.15600-39100+GP Rs.7000. Similarly, Applicant No.2 is working as Associate Professor (History) in Senior Scale at Government College, Sampla, District Rohtak, in PB Rs.15600-39100+GP Rs.9000. The lecturers in PB-3 of Rs.15600-39100+GP Rs.7000, under the Haryana Education (Government College Lecturer Group-B) Rules, 1986 were declared as Class I, as per notification dated 7.10.2010 (Annexure A-1), and then equivalent to Deputy



Collector in State Civil Service for limited purpose of consideration under Indian Administrative Service (Appointment by Selection) Regulations, 1997 (for short Regulation, 1997), as per notification / order dated 11.3.2011 (Annexure A-2).

4. Respondent No.2 issued order dated 9.6.2020 (Annexure A-3), allowing Haryana Public Service Commission (Respondent No.5) to recommend such candidates under the provisions of Regulation, 1997, for induction into IAS from non-SCS quota officers after taking examination subject to the fulfilment of all eligibility conditions.

5. It was further provided in the order that candidates shall apply online for written examination on the portal provided by Haryana Public Service Commission (for short "Commission") and shall also submit an application to their parent department in the Annexure-A who shall further forward the same to the Commission after verifying details given therein by the candidate along with Annexure-B regarding eligibility of the candidate. And subsequently, the Commission purely on the basis of marks obtained in the written examination, shall recommend in order of outstanding merit and ability, names of candidate not exceeding five time the number of vacancies to the State Government for onward submission of their name alongwith their C.R. Dossiers to the Union Public Service Commission (UPSC), as accepted candidates in order in which they are recommended by the Commission.

6. That the Commission issued advertisement No.1/2020 for recruitment to 5 posts of IAS of Haryana Cadre from Non-SCS quota officers through appointment by selection for the



select list of the year 2019 (vacancies arising between 1.1.2019 to 31.12.2019) in terms of rule 4 of the Regulation, 1997. It was clarified that Commission will invite the online application to select/recommend not exceeding 25 candidates to the State Government for onward submission of their names to UPSC to fill up 5 posts of IAS of Haryana Cadre.

7. The eligibility conditions for non-SCS officers are mentioned in Regulation 4 of Regulations, 1997 (as amended By Department of Personnel & Training vide Notification dated 31.12.1997, where age for consideration has been increased from 54 to 56 years), provide as under :-

"4. The State Government to send proposal for consideration of Committee: (1) The State Government shall consider the case of a person not belonging to the State Civil Service but serving in connection with the affairs of the State who,

- (i) is of outstanding merit and ability
- (ii) Hold a gazette post in a substantive capacity;
- (iii) Has completed not less than 8 years of continuous service under the State Government on the first day of January of the year in which his case is being considered in any post which has been declared equivalent to the post of Deputy Collector in the State Civil Service and proposed the person for consideration of the Committee. The number of person propose for consideration of the Committee shall not be exceed five time the number of the vacancies proposed to be filled during the year; and
- (iv) Below the age of 56 year on the first day of January of the Select List year".

8. The advertisement further clarifies that the fully eligible candidates in accordance with the order dated 9.6.2020 (Annexure A-2) can apply online to the Commission on respective link from 20.6.2020 to 28.6.2020 and after applying, the candidates were directed to also download Annexure-A (which will be automatically, generated through portal) and submit the same to their Parent Department by 30.06.2020. The concerned department will further forward the same to the HPSC by 10.7.2020 after verifying the details given therein by the



candidates along with Annexure B regarding eligibility of the candidate.

9. Applicant No.1 claims to have applied in response to the aforesaid advertisement on 28.6.2020, online on Commission website and was provided with Registered Application ID No.HPSC000533 (Annexure A-5) after uploading his entire particular and photograph etc. The next step after the registration of Application number was to download the automatically generated Annexure-A from the said website of Commission. However, it is claimed that Annexure-A was not generated on the Commission website due to some technical error in the website itself. He tried to download the same and made many attempts but website did not process and failed to automatically generate Annexure A application. The applicant submitted a query at 4:39 PM on same date on 28.6.2020 but to no response. On 29.6.2020, at 8:18 AM he got a response about same process to generate Annexure-A application form, which he was already trying at first instance. However on 29.6.2020 at 1:15 PM, he received a message that end date for submission of form is over and no further applications are allowed.

10. Applicant No.2 claims to have made attempts to apply on 24.6.2020 and allotted Registered Application ID No.HPSC000190. However, he faced similar problem like applicant no.1. He immediately approached his Principal about the problem. He was advised to submit Annexure-A application through proper channel by downloading the specimen of the same and as such he applied offline vide Annexure A through



proper channel and same was forwarded by his College to the Director General of Higher Education, Haryana. Then applicant No.1 also submitted off line application which was forwarded to the Director General Higher Education on 30.6.2020 (Annexure A-8). On 30.6.2020 (Annexure A-9), the Commission has announced that written examination of candidates, who have applied against advertisement No.1 of 2020 (A-4) would be held tentatively on 9.8.2020 and further details regarding issuance of admit card/time and venue of written examination will be issued in due course of time. On 10.7.2020 (Annexure A-10), Commission informed to all the Administrative Secretaries/Head of Departments of Haryana that last date i.e. 10.07.2020 already fixed for uploading the Annexure-B of the eligible officers through login credential by the concerned Nodal officers was extended to 17.07.2020 and again to 24.7.2020 and Annexure B of only those candidate who have applied online is to be sent to the Commission and it was clearly mentioned that "Offline application forms/hard copies of Annexure-B will not be entertained by the Commission."

11. On 16.7.2020, the applicant No.1 received a call from respondents that their applications cannot be considered as Annexure A provided by them is not being downloaded and therefore, both were asked to send copy of their Annexure A application form through Whatsapp to the authorities. Both of them complied with on a Whatsapp No. But they did not receive any further communication. However, they were orally informed that they had not submit their respective Forms Annexure A and B to the respondent Commission, by way of online process till late date i.e. 28.6.2020, so they are not eligible. Further



representations failed to invoke any positive response, hence they are before this Court for the indicated relief.

12. Respondent No.4 (Commission) has filed a detailed reply. They have given the detailed procedure divided into two phases – A. Registration and B. Submission of Application Forms by the candidates, as under :-

A. Registration – Candidates have to fill in the basic details such as name, email, department name, date of birth etc. After the filling in of the basic details, One Time Passwords were sent to the candidates and after entering the Onetime Passwords, Login Credentials through e-mail and SMS.

B. Application Submission – With the login credentials received through e-mail and SMS, the candidate has to login to the website and fill in the further details and upload a photograph and signature. After this application form is complete, Annexure A is generated which has to be submitted to parent department for further approval and parent department has to upload Annexure A and Annexure B on Haryana Public Service Commission website on a link provided by the Commission. Screen shot of the application submission form is annexed as Annexure R-1. The notification dated 20.6.2020 clearly provided that after applying, the candidates are directed to also download Annexure-A (which will be automatically generated through portal) and submit the same after duly filled in to their parent department by 30.06.2020. The concerned department was to further forward the same to Commission by 10.7.2020 (later extended to 17.7.2020 and 24.7.2020) after verifying the details along with Annexure-B regarding eligibility of the candidates.

13. The Commission further states that applicant No.1 made registration on the last day and did not submit the





application form complete. In submission of form, there are two parts i.e. (1) Some basic information to be filled in such as Educational qualification, place of posting etc. and (2) Uploading photograph and signature. When the candidate fills the first part, it gets saved in the system server. Applicant No.1 did not even fill up the 1<sup>st</sup> part of the form as no information has been retrieved from the server. Instead he raised the Ticket. If there was an error in the website or it was not working the questions arise (a) how he was able to use the online ticketing system? (b) why was no information retrieved even for the 1<sup>st</sup> part of form after registration (c) how were 23 more candidates able to complete the submission of application after applicant No.1 had done his registration i.e. after 01:58 PM on 28.6.2020 and (d) why was there no follow up on the application form from 30.06.2020 to 19.07.2020 if he knew that there is a discrepancy in his application form. He was ignorant in reading the notification and started registration process on the last date of stipulated deadline. He also submitted hardcopy of form to the parent department on last date i.e. 30.6.2020. Even option of queries was there. He raised query at last moment. He ignored all instructions and raised a query through online ticketing system that "How to download form?". It has been clarified that the process of downloading form starts after the application has been submitted. Applicant No.1 had not submitted the application form in time. Had he submitted his application, he could have downloaded Annexure A even after the deadline was over by logging in his account. No application was received from him. Similar position prevails for applicant No.2. Even though they registered themselves on portal, but they did not complete





the Part I process of submission of the application form, as no records on computer server show that. In fact, in notification dated 20.6.2020, there was a clear cut warning "not to wait for the last date and may apply online to the HPSC and their concerned department at the earliest" so that they have sufficient time to consider the candidature.

14. In so far as plea of applicant No.1 that online portal was not functional, they have explained that applicant No.1 registered on the last date of application at 01:58 PM and did not complete the application submission process. After completion of the registration process, he logged in with his login credentials 7 times on 28.6.2020. Meanwhile, after the applicant No.1 had been registered, Commission received 23 completed applications, which clearly shows that there was no error or glitch in the website of the Commission (Annexure R-2). The defence qua applicant No.2 is also on similar lines. It is submitted that he got registered on 24.6.2020 at 12.44 and did not complete the form. He logged in for application submission 8 different times on 24<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> of June. Meanwhile, after he was registered, Respondent Commission received 163 new applications from different candidates. It is pertinent to note that candidates from same department have also submitted their complete application forms within the stipulated timeline, as clearly mentioned in the notification dated 20.6.2020. Ignoring the guidelines, he submitted Annexure A in hardcopy on 24.6.2020. If there was any error in the website of the Commission, he still had 4 days to try the procedure. He logged in the application after registration 8 times on different dates but ignored the guidelines. Submission of application on line is



mandatory. The number of successful applications after registration of applicants shows that there was no glitch/error/non functionality of the portal as 23 and 163 candidates completed the application submission process on the portal respectively after both of them had registered themselves. They have thus prayed for dismissal of the Original Application.

15. We have heard the learned counsel for the parties at length.

16. Learned counsel for the applicant vehemently argued that the applicants had applied well in time but due to technical error in working of Web of Commission, they could not fill-up application form and process was showing every time they tried for submission of the same and as such their right of consideration cannot be taken away by the respondents. On the other hand learned counsel for the respondents submitted that the record clearly indicates that the applicants had not been serious enough in submission of application forms and as such they have no right, whatsoever, for consideration in the selection for appointment to IAS of Haryana Cadre against non-SCS quota.

17. We have considered the submissions made by learned counsel for the parties minutely and examined the material on record, with their able assistance.

18. It is not in dispute at all that the short question that involved in this O.A is as to whether the applicants had submitted their applications on line or not, by exercise of due care and caution, as was expected of them, considering the guidelines issued by the respondent Commission. It is more than



clear from the material available on record that the procedure of submission of application involved two steps. The first step was of Registration, which inter-alia, involved filling in of basic details such as name, email, name of department and date of birth of the candidates. The procedure further provides that after this process was done, One Time Passwords were sent to the candidates and after entering the same, Login further process could be done. The second part was of submission of Application Form, with the use of login credentials received through e-mail and SMS by login-in to the website and fill in further details such as uploading of photograph and signature. On completion of this process, application form is complete. In next step, Annexure A is automatically generated which, in turn, has to be submitted to parent department for further approval. Then parent department has to upload Annexure A and Annexure B on Commission's website on the link provided by the Commission.

19. A perusal of the notification dated 20.6.2020 would show that after applying, the candidates were clearly directed to download Annexure-A and submit the same after duly filled in, to their respective parent departments by relevant date which in turn was to further forward the same to Commission after verifying the details along with Annexure-B regarding eligibility of the candidates. It appears from the sequence of events available on record that the applicants were not sincere enough to submit their applications in terms of the guidelines issued by the respondents from time to time. As explained by Commission and admitted by applicant No.1 himself, he made registration on the last day and did not submit the form complete. He did not fill



up the 1<sup>st</sup> part of the form as no information was retrieved from the server by the Commission.

20. We find valid points raised by the Commission in their reply that if there was any technical error in website then (1) how he was able to use the online ticketing system? (2) why was no information retrieved even for the 1<sup>st</sup> part of form after registration (3) how were 23 more candidates able to complete the submission of application after applicant No.1 had done his registration i.e. after 01:58 PM on 28.6.2020 and (4) why was there no follow up on the application form from 30.06.2020 to 19.07.2020 if he knew that there is a discrepancy in his application form, which have gone un-rebutted on the part of the applicant. It is also matter of record that even making enquiry, the applicant was remiss and raised a query through online ticketing system as to "How to download form?". The Commission had taken due care to warn the candidates and there was a clear cut warning "not to wait for the last date and may apply online to the HPSC and their concerned department at the earliest" so that they could have sufficient time to consider the candidature. It appears that the grounds raised by the applicants are not more than after thought on their part. Once they have missed the bus by not being careful in filling in the form on line, they cannot be allowed to turn around and claim that there was any error in Commission's website, without there being any evidence to substantiate their claim.

21. The explanation offered by Commission shows that applicant No.1 registered on the last date of application at 01:58 PM but did not complete the process. After registration, he



logged in 7 times on 28.6.2020. Moreover, after the applicant No.1 had been registered, Commission received 23 completed applications. The applicant No.2 has also not followed the procedure. The Commission has rightly explained that the receipt of number of applications, after registration of applicants, would show that there was no glitch of the portal as 23 and 163 candidates completed the application submission process on the portal respectively after both of them had registered themselves.

22. As to whether in such like cases, candidature of a candidate can be considered or not, has been set at rest by Hon'ble Rajasthan High Court in the case of **MANAGING DIRECTOR, AJMER VIDHYUT VITRAN NIGAM LIMITED, AJMER VS. HITESH KUMAR & ANOTHER** (D.B. Civil Special Appeal) (Writ) No., 85/2016) decided on 1.8.2016 in the following words:-

"If the respondent filled up his application form in haste when he was applying for a job under the Government and did not bother to ensure that he specified his correct category, let alone leave it blank mentioning specifically a different category, we find it difficult to believe that it was a bonafide and inadvertent error. Regrettably for him, the negligence has proved costly. If a candidate lacks ability to fill up the application form correctly, his capacities and abilities for the job come under severe cloud in an otherwise competitive environment".



23. The Hon'ble High Court has clearly held that if a candidate lacks ability to fill up the application form correctly, his capacities and abilities for the job come under severe cloud in an otherwise competitive environment. The observations made therein would directly apply to the issue raised in the instant case as indeed applicant has been negligent in filling up the application form on-line and if something has gone wrong, then he himself has to blame for it and no one else. It is well settled that when the statute prescribes something to be done in a particular manner, it shall be done only in that manner and not otherwise.

24. In the wake of aforesaid discussion, this O.A. is found to be devoid of any merit and is dismissed, leaving the parties to bear their own costs.

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**(AJANTA DAYALAN)**  
**MEMBER (A)**

Place: Chandigarh  
Dated: 07.08.2020

HC\*