

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP (C) No. 2373/2025

Pankaj Singh

.....Applicant(s)/Petitioner(s)

Through :- Mr. Sachin Dogra, Advocate
Mr. Rahul Parihar, Advocate

v/s

UT of J & K & Ors.

.....Respondent(s)

Through :-

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER (ORAL)

29.08.2025

Sanjeev Kumar J

1. Impugned in this petition, filed by the petitioner under Article 226 of the Constitution of India, is an order and judgment dated 22.07.2025 passed by the Central Administrative Tribunal, Jammu ("the Tribunal") in OA No. 680/2025 titled "Pankaj Singh vs. UT of J & K and Ors", whereby the Tribunal has dismissed the OA being devoid of any merit.
2. Briefly stated, the short grievance that was projected by the petitioner in the OA before the Tribunal was that the respondent had responded to the advertisement notification no. 02 of 2021 dated 26.03.2021 by submitting his application for the post of Plumber in the Health and Medical Education Department. After completion of the selection process, it came to the notice of the petitioner that he was a candidate belonging to RBA category, but had not been reflected in the said list. On enquiry, the petitioner

found that in the application form which he had submitted, he had inadvertently tick-marked the Open Category instead of RBA.

3. The petitioner in unequivocal terms conceded before the Tribunal and this is writ large in the pleadings of the OA that claiming the benefit of Open Category instead of RBA in the application form uploaded was on account of a mistake and not because of failure in the system or any technical glitch.
4. The petition was considered by the Tribunal and having found that the petitioner had himself applied under open merit category and, therefore, could not have been permitted to change his category at a later stage, i.e., after the publication of the select list, the Tribunal has dismissed the OA.
5. Before us, Mr. Sachin Dogra, learned counsel for the petitioner placing reliance on a judgment of the Hon'ble Supreme Court in the case of **"Vashist Narayan Kumar. Vs. State of Bihar and Ors. 2024 INSC"** and a couple of judgments by different High Courts, i.e., **"Manjana vs. State of HP and Ors."** by the Himachal Pradesh High Court, **"Ms. Charu Kain vs. High Court of Delhi"** by the Delhi High Court and **"Dr. Lakshmi P. Gowda vs. Nation National Board of Examinations in Medical Sciences and Anr."** by the Karnataka High Court, would argue that the mistake came to be committed by the petitioner because of the defect in the system provided for uploading of the application form and therefore, the petitioner should not be penalized.
6. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the stand

of the petitioner that mistake was committed by him due to technical glitch is only an afterthought. Had the petitioner faced any difficulty during filling up and uploading of the form, he would have immediately approached the Service Selection Board with a representation or complaint. This has not happened. He allowed the process of selection to be completed. It is only when he could not find his name in the select list, he came up with the representation asking for the correction of the error in the application form so as to consider him under RBA category instead of open category for which he himself had tick-marked in his application form.

7. The Tribunal has rightly found that the so called error was not attributable to a technical glitch, but was actually the choice made by the petitioner. The judgments referred to by the learned counsel for the petitioner are distinguishable on fact and pertain to cases where a technical glitch had contributed to errors. However, such, is not a case of the petitioner.
8. For the foregoing reasons, we find no merit in this petition and the same is, accordingly, dismissed. Notwithstanding the dismissal of this petition, the right of the petitioner to be considered under open merit category shall remain unprejudiced.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
29.08.2025
Manik

Whether this order is speaking: yes/no

Whether this order is reportable: yes/no