



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

127

CWP-26180-2026 (O&M)

Date of decision: 18.08.2026

Shubham Rana

...Petitioner(s)

Vs.

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rohit K. Arora, Advocate and
Ms. Yashika Walia, Advocate
for the petitioner.

Mr. Harish Kumar Nain, D.A.G., Haryana.

NIDHI GUPTA, J.

Present Civil Writ Petition has been filed by the petitioner for the issuance of a writ in the nature of Certiorari for quashing the impugned shortlist/result dated 21.09.2024 (Annexure P-6), speaking order dated 02.02.2026 (Annexure P-14) and 25.09.2024 (Annexure P-7) issued by respondent no. 2 under Advertisement no. 9/2024, Category nos. 115 and 119 as respondent no. 2 excluded the petitioner despite securing marks higher than the prescribed cut-off for both General and EWS Categories; **and/or** issue a writ in the nature of mandamus directing the respondents to consider the candidature of the petitioner for shortlisting under General or EWS category and call him for the next stage of selection under Advertisement no. 9/2024, Category nos. 115 and 119,



in accordance with law and without applying the unconstitutional Socio-Economic Criteria.

2. It is *inter alia* submitted by learned counsel for the petitioner that in pursuance to Advt.No. 9/2024 dated 02.08.2024 (Annexure P-2) issued by Haryana Staff Selection Commission (hereinafter referred to as 'HSSC'), Petitioner had applied for direct recruitment to Group-C posts under the EWS Category. Petitioner had submitted his application form dated 15.08.2024 (Annexure P-3) for the post of Estate Manager (Cat. No. 115) and for the post of Executive Officer (Cat.No.119) under the EWS Category. Petitioner had duly appeared in the CET (Group C) exam held on 06.11.2022. As per the Score Card (Annexure P-4), petitioner had secured 53.7740781 normalized marks out of 95 alongwith 5 marks against Socio Economic Criteria; thereby securing total marks of 58.7740781.

3. Learned counsel submits that as per the shortlisting of the candidates (Annexure P-6), cut off marks for Category No. 115 under General Category are 51.207748. As per impugned Revised Result dated 25.09.2024 (Annexure P-7), cut off marks for the said Category was further reduced to 50.254860. Learned counsel submits that accordingly petitioner had submitted a Representation dated 18.06.2025 (Annexure P-9) seeking clarification as to why petitioner was not shortlisted in Category No. 115. As no response was received, petitioner had filed **CWP-24220-2025** titled as **Shubham Rana vs. State of Haryana and another**; which was disposed of vide order dated 21.08.2025 (Annexure P-12) whereby respondents are directed to consider Representation dated 18.06.2025.



Pursuant thereto, speaking order dated 02.02.2026 (Annexure P-14) has been passed stating that case of the petitioner was not considered as no post was advertised under EWS Category in which petitioner had applied.

4. Learned counsel for the petitioner contends that as per Article 16(6) of the Constitution of India and as per Haryana Government Policy, 10% reservation is provided to EWS candidates in direct recruitment. In not doing so, the impugned Advertisement is in violation of the Constitution of India. It is contended that despite 103rd Constitutional Amendment in Constitution of India and its implementation, the respondent did not earmark 10% seats for EWS Category. It is argued that there is no rationale behind not earmarking even one seat for EWS Category. The cut off under General Category was 51.207748 and subsequently revised to 50.254860. The respondents by not reserving 10% seats under EWS Category violated not only mandate of Constitution of India but also instructions and rules prescribed by State Government. As such, the impugned Advertisement (Annexure P-2) deserves to be set aside.

5. It is further submitted that as per his result (Annexure P-11), petitioner has secured 53.77 marks which are more than cut off marks for the General Category in Cat.No. 115, hence, the petitioner should be permitted under the General Category. The exclusion of the Petitioner despite securing 53.77 marks well above 50.254860 UR cut-off reflects gross administrative irregularity qua which the petitioner suffers the most.

The denial of fair opportunity to a meritorious EWS candidate, defeats the



principles of transparency and equity in the process of recruitment which provides an opportunity to the those skilled and educated candidates who are in need of job and petitioner also comes from a moderate family background and is still trying hard to get job but the act and conduct of the respondent against the petitioner being eligible candidate for the said post is unjustifiable and against the settled principle of law.

6. Learned counsel for the petitioner further relies upon a judgment of Hon'ble Supreme Court in '**Munindra Kumar and others v. Rajiv Govil and others, (1991) 3 SCC 368**'; wherein it is held that candidates who have remained unsuccessful in the selection process cannot be estopped from challenging the Rules which are arbitrary and violative of Article 14 of Constitution of India.

7. He accordingly prays that the present Writ Petition be allowed; and *issue a writ in the nature of mandamus directing the respondents to consider the candidature of the petitioner for shortlisting under General or EWS category and call him for the next stage of selection under Advertisement no. 9/2024, Category nos. 115 and 119.*

8. *Per contra*, learned State Counsel appearing on behalf of the respondents on advance notice has vehemently opposed submissions advanced on behalf of the petitioner and pointed out that the impugned speaking order has been passed; wherein valid reasons have been given for exclusion of the petitioner. He further submits that legal position in this regard is very clear *in-as-much as* subsequent change of Category



after submitting application form is not permissible. He accordingly prays for dismissal of the present Writ Petition.

9. No other argument has been raised on behalf of learned counsel for the parties. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions of the petitioner.

10. It is to be noted that at the time of submitting application form on 15.08.2024, petitioner was very well aware of the fact that there is no EWS Category in the Advertisement no.9/2024 for Category No. 115. Yet, petitioner applied in the said category; and participated in the selection process. After having participated in the entire selection process and after having been excluded, petitioner cannot challenge the Advertisement on the ground that EWS Category was not included in the Advertisement. After having participated in the process, the petitioner is estopped from laying challenge to the Category. Admittedly, at no stage prior to the declaration of the result — indeed at no stage even thereafter — has the petitioner challenged the Advertisement. A candidate who participates in the selection process without demur cannot, when confronted with an adverse consequence, turn round and question the criteria or supply his own.

11. In this regard, reference may be made to a judgment passed by Hon'ble Supreme Court in **Mohit Kumar v. State of Uttar Pradesh, (SC) : Law Finder Doc Id # 2730841**; the relevant para of which reads as under:-



“19. It is no longer res integra that terms of an advertisement issued in connection with a selection process are normally not open to challenge unless the challenge is founded on the ground of breach of Article 16 of the Constitution or, for that matter, Article 14. Once an advertisement is issued inviting applications for public employment, it is the responsibility, nay duty, of an aspirant to read and note the terms and understand what its requirements are. If any aspirant finds any of the terms ambiguous and there is scope for an inquiry inbuilt in the advertisement or is provided by any rule/regulation, an effort ought to be first made to obtain clarity for understanding the requirements accurately. If no such scope is available, nothing prevents the aspirant from seeking clarity by making a representation. Should such clarity be not provided, the aspirant may participate in the process without prejudice to his rights and may question the term even after he is not selected. However, if the aspirant does not make any such effort and takes a calculated chance of selection based on his own understanding of the disputed term in the advertisement and later, he emerges unsuccessful, ordinarily, it would not be open to him to challenge the selection on the ground that the disputed term is capable of being understood differently. In such cases, the courts should be loath to entertain such plea of ambiguity while preferring to accept the recruiting authority's understanding of the said term. This is for the simple reason that the recruiting authority is the best judge of what its requirements are and it is such understanding of the recruiting authority that would matter most in cases brought up before the courts; hence, after commencement of the process wherein aspirants have participated without raising any demur as to what a particular terms means, even if any



of the terms be ambiguous, the courts should lean in favour of the recruiting authority."

12. Thus, it was the duty and responsibility of the petitioner to carefully read the terms of the advertisement and understand its requirements. In the present case, Petitioner had applied for the posts of Estate Manager/Cat.No.115 in Housing Board Haryana; and Executive Officer/Cat.No.119 in Urban Local Bodies. Petitioner had applied for both the said posts under EWS Category. It is clearly stated in the impugned order that *"the Commission vide Advertisement No. 9/2024 for the category No. 115 & 119 had not advertised any post for EWS category."*

13. Further, as per Clause 7.2 of the Advertisement No. 2024, it is clearly mentioned as under: -

"7.2 The short-listing if candidates shall be done on the basis of particulars filled in the online application form for which supporting documents shall be uploaded. As candidates can update their particulars till closing date, thereafter, no change of particular at any stage shall be entertained. In absence of documentary evidence or mismatch in claimed category and uploaded documents, candidature of candidate shall be considered under General category/Parent category, subject to his/her fulfilling eligibility in General category/Parent category."

14. Moreover, as per Clause 7.11 of the Advertisement if there is no vacancy in reserved category then the candidate of reserved category can apply under general category. The said clause Clause 7.11 of the Advt.

No. 9/2024 is as under:-



"7.11 If for any post, there is no vacancy in reserved category, then the candidate of reserved category can apply under general category. However, such candidate will be considered as general category candidate and will be shortlisted as per merit of general category."

15. As such, petitioner was not supposed to apply for EWS category as it was clearly mentioned in Clause 2 of the Advt. No. 9/2024 that there exists no vacancy in the EWS category under category No. 115 & 119. And even there is no post of general category in category No. 119. It is for this reason that the petitioner was not shortlisted for category No. 115 & 119, since no post was advertised under EWS category vide Advt. No. 9/2024, whereas the petitioner has applied under EWS category. Thus, it is the own fault of the petitioner for not carefully reading the terms of the advertisement.

16. Furthermore, Clause 7.1 of the Advertisement no.9/2024 clarifies the implementation of the reservation policy as follows: –

"7.1. Implementation of reservation policy, maintaining reservation roster and earmarking of vacancies for different categories comes under the domain of the concerned departments and Commission has nothing to do with the number of posts requisitioned under different categories. Benefit of reservation to the persons of reserved category will be as per Haryana Government instructions contained in letter No. 22/10/2013-1GS-III, dated 15.07.2014 and thereafter issued from time to time upto the date of advertisement shall be applicable. With regard to the PwD category posts, in case a particular category of suitable PWD



candidate as per advertisement is not available, then the other suitable PwD category candidate may be accommodated, if permitted by the concerned department as per the instructions applicable."

17. The next prayer of the petitioner that petitioner be considered under the General Category as the petitioner has obtained more marks than the prescribed cut off for both the General and EWS Categories. However again, it is established position in law that change of a category is not permitted at subsequent stage. It is no longer *res integra* that once a candidate has applied in a particular Category, he cannot be subsequently permitted to change his Category. In this regard, I rely upon a judgment of Hon'ble Supreme Court in **Rajasthan High Court, Jodhpur v. Neetu Harsh (SC) : Law Finder Doc Id # 1571843**; wherein it is held that "*Judicial Service - A candidate applied for General Category cannot subsequently claim seat reserved for Disabled Candidates.*"

18. In another judgment of the Hon'ble Supreme Court passed in **J. & K. Public Service Commission v. Israr Ahmad, (SC) : Law Finder Doc Id # 192290**; it is held as under: -

"6. We have considered the rival contentions advanced by both the parties. The contention of the first respondent cannot be accepted as he has not applied for the selection as a candidate entitled to get reservation. He did not produce any certificate along with his application. The fact that he has not availed the benefit for the preliminary examination itself is sufficient to treat him as a candidate not entitled to get reservation. He passed the preliminary examination as a



general candidate and at the subsequent stage of the main examination he cannot avail the reservation on the ground that he was successful in getting the required certificate only at a later stage. The nature and status of the candidate who was applying for the selection could only be treated alike and once a candidate has chosen to opt for the category to which he is entitled, he cannot later change the status and make fresh claim. The Division Bench was not correct in holding that as a candidate he had also had the qualification and the production of the certificate at later stage would make him entitled to seek reservation. Therefore, we set aside the judgment of the Division Bench and allow the appeal.”

(Emphasis added)

19. The aforesaid view has been followed by a Coordinate Bench of this Court in **Prabhjot Sharma vs. State of Punjab and others, Neutral Citation No. 2026:PHHC:043874, decided on 19.03.2026.** The relevant paras of the said judgment are as under:-

“1. Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the advertisement No.20251 (Annexure P-1), being violative of the extant rules (Annexure P-2), applicable for issuance of advertisement and recruitment or in the alternative for issuance of writ of mandamus directing the respondents to allow the petitioner to change her category from General (71) to Economically Weaker Section - Punjab (92) in the recruitment process, initiated vide advertisement No.20251 dated 03.01.2025 (Annexure P-1), in view of the subsequent changes by way of public notices (Annexures P-5 and P-7). Further prayer has been made for staying the further process under the said



advertisement (Annexure P-1), during the pendency of the writ petition.

XX XX

7. *As per the judgment of the Hon'ble Supreme Court in **J & K Public Service Commission Vs. Israr Ahmad and others: 2005(12) SCC 498**, no change in the category once applied for, can be done at a later stage. The relevant paragraph 6 of the said judgment is as under:-*

"6. We have considered the rival contentions advanced by both the parties. The contention of the first respondent cannot be accepted as he has not applied for the selection as a candidate entitled to get reservation. He did not produce any certificate along with his application. The fact that he has not availed the benefit for the preliminary examination itself is sufficient to treat him as a candidate not entitled to get reservation. He passed the preliminary examination as a general candidate and at the subsequent stage of the main examination he cannot avail the reservation on the ground that he was successful in getting the required certificate only at a later stage. The nature and status of the candidate who was applying for the selection could only be treated alike and once a candidate has chosen to opt for the category to which he is entitled, he cannot later change the status and make fresh claim. The Division Bench was not correct in holding that as a candidate he had also had the qualification and the production of the certificate at later stage would make him entitled to seek reservation. Therefore, we set aside the judgment of the Division Bench and allow the appeal."

8. *While dealing with the similar issue in **CWP-1721 of 2023- Raj Kumar v. State of Punjab and others, decided on 23.02.2023**, this Court has held as follows:-*

"7. In view of the specific stipulation under clause (5) of the recruitment notice, at this stage, particularly when the selection process has already been completed for the general category, this Court does not find it



appropriate to exercise its writ jurisdiction under Article 226 of the Constitution of India. In such matters, the Court can issue a writ only if the petitioner makes out a good case. Though, it may be harsh for the petitioner, however, any interference, at this stage, may result in opening a Pandora box which would not be in the interest of justice.

8. With the observations made above, the present writ petition is disposed of."

*9. Similarly, in **CWP No.2907 of 2022 titled as 'Bhupinder Singh Vs. State of Punjab and others'** decided on **22.01.2025**, this Court has held as under:-*

*"2. Learned State counsel has referred to the judgment passed by this Court in **"Arashdeep Singh vs. State of Punjab and another"**, CWP-17825-2020, decided on **18.10.2024**, involving the same issue, as per which the present petition is liable to be dismissed, relevant paras whereof read thus:-*

"It is a conceded fact that as per the application form submitted by the petitioner, he had applied in the General Category and though he wanted to change the category but as per the conditions of the Advertisement, which are sacrosanct, no change can be allowed.

Further, the petitioner appeared in the examination despite the fact that the Roll Number was issued in the General Category and petitioner participated in the selection process under a Roll Number issued in General Category and it is thereafter, the petitioner had filed the present petition for change of his category from "General" to "Backward Class". In case, the petitioner had come to know that he had filled incorrect category, he should have approached this Court before the last date to fill the application form to claim the said benefit, which claim was never raised by the petitioner.

*As per the judgment of the Hon'ble Supreme Court of India in **"J&K Public Service Commission Vs. Israr Ahmad and Ors."**, decided*



*on 07.01.2005, category once applied for cannot be allowed to be changed after participating in the selection process. In the present case, the claim raised by the petitioner is contrary to the settled principle laid down by the Hon'ble Supreme Court of India in "**J & K Public Service Commission Vs. Israr Ahmad and others**" as well as by the Co-ordinate Bench in **Gurpreet Singh's case (supra)**.*

No ground is made out by this Court to interference in the present petition.

Hence, the present petition is dismissed."

10. *It is a settled proposition of law that a candidate has to comply with all the conditions/eligibility criteria as per the advertisement. In the present case, the petitioner applied under the general category and admittedly did not possess the EWS certificate, required as per the advertisement, at the time of submission of her application. Consequently, she cannot claim consideration under the EWS category. Permitting the petitioner to alter her category would not only violate the terms of the advertisement but also unsettle the level playing field amongst candidates. The petitioner, having submitted the application form with a specific category, is bound by the declaration made therein. No candidate has been allowed to change the category. Candidates belonging to Persons with Disability and Sports person Punjab categories, who are unable to prove their eligibility in these categories will be considered under their basic category. Such candidates are merely being considered in their basic category and their category has not been changed."*

20. Reference is also made to another judgment passed by a Predecessor Bench of this Court in **Vinay Sharma v. State of Haryana**

(P&H) : Law Finder Doc Id # 1720774; wherein it is held as under:-



*“6. Admittedly, petitioner submitted the application form under the General Category. It is not the pleaded case of the petitioner that the requisite scanned copy of the EBPG Certificate issued by the competent authority had been uploaded alongwith the application form. Under the advertisement there is no provision for change of category. The petitioner ought to have been very circumspect while filling the application. Even though petitioner may have been in possession of the EBPG Certificate prior to the closing date mentioned in the advertisement but he cannot be permitted to take benefit of the same as he had applied under the General Category. Had the petitioner uploaded the scanned copy of the EBPG Category the case may have been different. Petitioner having taken his chance in the General Category and having also appeared in the written examination on the basis of an Admit Card clearly mentioning his category as General, he cannot now be permitted to turn around and to be considered under the reserved EBPG Category. Clearly the petitioner had submitted his application form mentioning his category as General against the 170 posts of PGT (Chemistry) which were unreserved. After having participated in the written examination as a General Category Candidate and having failed to secure sufficient merit position he now wants to change his category and have his candidature considered under the reserved EBPG Category. This Court would have no hesitation in observing that the facts of the present case are not that of a bona fide mistake being sought to be rectified but it is essentially a claim for change of category. The same is not permissible. The Hon'ble Supreme Court in the case of **J & K Public Service Commission v. Israr Ahmed and others 2005 (12) SCC 498** had clearly held that once a candidate has*



chosen a particular category he cannot change the same at a latter date.”

21. Thus, the ratio of all the abovesaid judgments is that candidate/petitioner is bound to abide by the terms of the Advertisement; and subsequent change of category is not permitted. In the present circumstances, aforesaid judgment relied upon by learned counsel for the petitioner in **Munindra Kumar’s case (supra)** is distinguishable on facts and law. Learned counsel for the petitioner is unable to controvert or dispute the above said factual and legal position.

22. Accordingly, the present Writ Petition stands **dismissed**.

23. Pending application(s) if any also stand(s) disposed of.

18.08.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No