

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 19175 of 2013

Reserved On : July 06, 2015

Pronounced On : 09.07.2015

Hira Lal Petitioner

vs.

Punjab State Power Corporation Limited Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Ms. Alka Chatrath, Advocate
for the petitioner.

Mr. Vishal Chaudhary, Advocate
for the respondent.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner seeks a direction to the respondent – Punjab State Power Corporation Limited (hereinafter referred to as – the Corporation) for consideration of the application made by him in pursuance to advertisement no. 109/2011 for appointment to the post of Junior Engineer (Electrical) as a candidate belonging to the Scheduled Caste category. The petitioner further prays that if after such

consideration, he is found to be meritorious enough, he should be appointed as a Junior Engineer (Electrical), along with all consequential benefits.

A few facts may be noticed.

On 05.03.1998, the petitioner was appointed as Lineman in the respondent Corporation. This appointment was under the reserved category of Scheduled Castes.

Through advertisement no. 109/2011 dated 05.12.2011, the respondent Corporation invited applications for filling up 153 posts of Junior Engineers (Electrical) from amongst eligible regular employees of the respondent Corporation. In addition to the academic qualifications and experience, as prescribed in the advertisement, all applicants were required to pass a written test.

For consideration of their candidature, all applicants were required to apply online along with prescribed examination fee, which was ₹ 200/- for candidates belonging to the General Category and ₹ 100/- for the Scheduled Caste category candidates.

Being academically qualified and having the requisite experience, the petitioner applied for consideration of his candidature for appointment as Junior Engineer. On being issued the Admit Card, he appeared in the written test. On the declaration of result of the test, he secured 83.5 marks out of a total of 200. The last candidate from the Scheduled Caste category, who had been selected and appointed, had secured 80 marks i.e. 3.5 marks less than the petitioner, but in spite of the

same, the petitioner was not appointed. This gave cause to the petitioner to approach this Court through the present writ petition for the above referred reliefs.

I have heard learned counsel for the parties and with their able assistance, have also gone through the record of the case.

Primarily, the case set up by the petitioner is that he belongs to the Scheduled Caste category and in the written test, which was the sole basis to determine merit, he had secured 83.5 marks out of a total of 200 marks. The last candidate in the Scheduled Caste category, who has been selected and appointed as Junior Engineer (Electrical), has secured only 80 marks. On the strength of his merit, the petitioner claims appointment.

A perusal of the application submitted by the petitioner shows that he had applied under the General Category. The fee, shown to have been deposited by the petitioner in his application form, is also ₹ 200/- i.e. the fee to be paid by candidates belonging to the General Category. It is further the un rebutted case of the Corporation that through a corrigendum, all candidates were given an opportunity to make corrections in the online applications submitted by them. No such correction was made by the petitioner. Thereafter, it is also the undisputed case of the respondent Corporation that the petitioner was issued an Admit Card to appear in the written examination as a candidate belonging to the General Category and in pursuance thereof, he actually appeared in the written test under that category. That being so, the petitioner's case was considered in the General

Category and admittedly, in the written test, the petitioner has secured much less marks than the last person selected and appointed in the General Category.

The submission on behalf of the petitioner that he had deposited only ₹ 100/- and that as per the record available with the respondent Corporation, he belonged to the Scheduled Caste category would not further his case, so far as the present selection and appointment is concerned. Once qua the selection in question, the petitioner has applied under the General Category, stated to have paid the application fee, as required to be paid by the candidates belonging to the General Category and had not made any application for correction in his online application in spite of opportunity granted, then no fault can be found in the action of the respondent Corporation, which considered his case as per his application. The petitioner, who was academically qualified to be appointed as Junior Engineer, had made the application with open eyes and after the whole selection process was over, cannot be allowed to switch categories. The respondent authorities acted on the information given by the petitioner himself in his application. In the absence of any dispute raised, there was no occasion for the respondent authorities to make any further verification.

As per the advertisement in question, 153 posts of Junior Engineers were advertised to be filled up. After the selection process, 62 posts in the General Category remained unfilled. There was no post, which remained unfilled under the Scheduled Caste category. Even for the vacant

posts under the General Category, another advertisement was floated, through which, majority of the vacant posts were filled up. At the stage of the supplementary advertisement, as also for a considerable period thereafter, the petitioner raised no objection. The present writ petition was filed only in August 2013. At this stage, the clock cannot be allowed to be turned back as it would lead to chaotic results, especially when the petitioner himself is at fault while filling up his own application form.

Further, all posts belonging to the Scheduled Caste category in the advertisement in question i.e. advertisement no. 109/2011, were filled up in the first instance. The last selected and appointed person in the Scheduled Caste category has not been arrayed as a respondent.

A Full Bench of this Court in **Raj Singh vs. The Maharshi Dayanand University** reported as **1994 (2) PLR 32** has held as under :-

“14. Students seeking admission to professional colleges and even otherwise are fairly mature and are supposed to understand the full implications of filling the admission forms and in any case these forms are invariably signed by their parents/guardians and it is so in the present case. The student, therefore, will have to be taken to be bound by the information supplied in the admission form and cannot

*be allowed to take a stand that may suit him at a given time. For what has been noticed, the view taken in **Madhvika Khurana's case (supra)**, cannot stand scrutiny and consequently the same is over-ruled.*

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17. The petitioner herein clearly mentioned M.B.B.S. only" in column No. 1 of the admission form and thus he cannot be heard to say that he be granted admission to the B.D.S. Course."

In view of the law laid down as above, the information, supplied by the petitioner in his application form, would bind him.

In view of the above, finding no merit in the writ petition, the same is ordered to be dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

Pronounced On : 09.07.2015

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