

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. CWP No.8731 of 2015
Date of decision: 27.05.2015.

Kulbir Singh ..Petitioner

Versus

The Chandigarh Administration and others ..Respondents

2. CWP No.9373 of 2015

Jangir Singh ..Petitioner

Versus

The Chandigarh Administration and others ..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Raje Ram Kaushik, Advocate
for the petitioner in both the cases.

Daya Chaudhary, J.

This judgment of mine shall dispose of two cases bearing
CWP No.8731 of 2015 and **CWP No.9373 of 2015** as common
question of law and facts are involved in both the cases. However, for
the sake of convenience, the facts are being extracted from **CWP**

No.8731 of 2015.

The prayer made by the petitioner is for issuance of a writ in the nature of mandamus directing the respondents to consider the petitioner as OBC candidate for the purpose of selection of JBT Teacher in pursuance of advertisement dated 02.11.2014 and to withdraw the discrepancy shown against his name in the list dated 18.04.2015 (Annexure P-8), wherein category of the petitioner has been changed from OBC to General.

The grievance of the petitioner is that he applied to the post of JBT Teacher under the category of OBC as his caste "Jat" was granted the OBC status by the Central Government vide notification No.63 dated 04.03.2014. The petitioner annexed copy of certificate of OBC issued by the competent authority along with the application form and he was issued the admit card to appear in the written examination to be held on 01.02.2015. Thereafter, he was allotted Roll No.11502319 and appeared in the written test held on 01.02.2015. The result of written examination was declared on 09.04.2015 and the petitioner was found qualified in the written test by scoring 120 marks and his name figured at Sr. No.372. The petitioner was called for verification of the documents and his documents were verified. Thereafter, a list of selected candidates was displayed on 18.04.2015 wherein against name of the petitioner, it was mentioned that his category has been changed from OBC to General.

Learned counsel for the petitioner submits that at the time

of submission of the application as well as of written test, the category of the petitioner was OBC and subsequently, the same cannot be changed. All formalities of selection were completed and the last stage was of verification of documents. The notification granting OBC status to “Jat” was enforced at the time of submission of the application form and written test. The process of recruitment was completed before the date of quashing of the notification and subsequently, the category of petitioner cannot be changed with retrospective effect. Learned counsel further submits that the written examination was held on 01.02.2015 and result was declared on 09.04.2015. The notification was quashed by Hon'ble the Supreme Court vide judgment dated 17.03.2015. Learned counsel also submits that the material date was the date of advertisement i.e., 02.11.2014 or the last date of submission of application form. Learned counsel also submits that the petitioner is entitled to retain in the category of OBC for the purpose of recruitment as the process was commenced on 02.11.2014.

Heard arguments of learned counsel for the petitioner and have also perused the documents available on the file.

Admittedly, the petitioner falls under the category of OBC in view of the notification No.63 dated 04.03.2014. Subsequently, said notification was challenged before Hon'ble the Supreme Court in **Writ Petition (Civil) No.274 of 2014** titled as “**Ram Singh and others vs. Union of India**” and ultimately, the same was quashed. On the basis

of said quashing, the category of petitioner and other similarly situated candidates was changed.

When notification granting status of OBC itself has already been quashed, there was no occasion to give any benefit on the basis of said notification and simply by saying that the petitioner applied under OBC category and the written test was held prior to quashing of the notification, does not give any right to the petitioner to remain in OBC category.

Accordingly, there is no merit in the contentions raised by learned counsel for the petitioner and both the petitions being devoid of any merit are hereby dismissed.

27.05.2015
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(DAYA CHAUDHARY)
JUDGE