

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-1546-LPA-2016 in/and
LPA No.753 of 2016 (O&M)**

Date of Decision: 13.07.2016

Vironika

... Appellant

VS.

State of Punjab & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE DARSHAN SINGH**

Present: Mr. PPS Duggall, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) The appellant assails the order dated 28.01.2016 whereby learned Single Judge has dismissed her writ petition seeking appointment to the post of Medical Laboratory Technician Gr-II.

(2) The facts of the case are to the following effect.

(3) On July, 26, 2011, 390 posts of Medical Laboratory Technician Gr-II were advertised out of which, 40 posts were reserved for Scheduled Caste (M&B), 39 for Scheduled Caste (R&O), 39 were reserved for Backward Classes. The rest were meant for open category. The appellant is a member of the Scheduled Caste category by birth but her family converted to Christianity and by virtue of they lost their status as Scheduled Caste. The Christians are, however, included in the Backward Class category under Punjab Government notification dated 16.08.1972.

(4) The appellant applied for the above-stated advertised posts in the category of Scheduled Caste and also disclosed her status as a Christian. She was declared ineligible in that reserved category and consequently not selected. Later on, much after the cut-off date, the appellant is said to have represented to the authorities to consider her in the Backward Class category. As she never applied in that category on time (applications were

submitted online), she could not be considered in the Backward Class category also.

(5) In this backdrop that the appellant not having been selected in either category, approached this Court and learned Single Judge has turned down her claim.

(6) We have heard learned counsel who reiterates that some posts of Backward Class category are still vacant and the appellant can thus be considered. Such a recourse, in our considered view, would amount to extending the date of submission of application to the prejudice and disadvantage of hundreds of other eligible candidates. The appellant cannot claim consideration at this belated stage. That apart, her family cannot retain both the status, namely, Scheduled Caste and Christian/Backward Class simultaneously.

(7) The appellant was certainly entitled to the benefit under the Backward Class category for which she never applied. In these circumstances, no case to interfere with the impugned order passed by the learned Single Judge is made out.

(8) Dismissed.

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Since the appeal has been decided on merits, no specific order is required to be passed in this application seeking condonation of delay of 12 days in re-filing the appeal. Dismissed.

(Surya Kant)
Judge

13.07.2016
vishal shonkar

(Darshan Singh)
Judge