

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 4996 of 2017
Date of Decision: May 02, 2017

Monika Jangra @ Monika Rani

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rajneesh Malhotra, Advocate,
for the petitioner.

Mr. D.S. Nalwa, Addl. A.G., Haryana.

Mr. Kanwal Goyal, Advocate,
for respondent No.2.

P.B. Bajanthri, J. (Oral)

1. In the instant writ petition, petitioner has questioned the validity of communication dated 30.12.2016 (Annexure P/7) by which petitioner's representation for change of category from General Merit (GM) to that of Backward Class-A (BCA) category, has been rejected.

2. The official respondent notified for the post of Assistant District Attorney in the Prosecution Department on 17.11.2015. Last date for submission of application form was 16.12.2015. Petitioner is stated to have submitted online application on 15.12.2015 pursuant to advertisement dated 17.11.2015. She noticed that there is an error in respect of filling up application form to the extent that her candidature is required to be considered under BCA category instead of GM category. Thus, petitioner has submitted application/representation on 23.12.2015. Since there was no response from the official respondents, one more representation was submitted on 08.07.2016. Thereafter on 30.12.2016, the selecting authority

has rejected the petitioner's representation stating that category cannot be changed.

3. Learned counsel for the petitioner submitted that there is no option while filling up application form online to rectify error if any committed by the applicant while submitting application online. Therefore, petitioner has submitted application on 23.12.2015 to rectify her candidature from GM category to that of BCA category. In support of petitioner's claim, learned counsel for the petitioner relied on decision of this Court passed in *Usha Dhillon vs. State of Haryana and others*, reported in **2015(2) PLR 412**.

4. Per contra, learned counsel for the respondents submitted that candidates who intend to appear for the process of selection to the post of Assistant District Attorney were made known date of submission of application as well as last date for submission of application through Online as 16.12.2015. Petitioner had one month time to submit application. She has submitted application only on 15.12.2015 i.e. just one day before the last date for submission of application. It was further submitted that petitioner failed to submit application to rectify the category even before the last date or on the last date i.e. 16.12.2015. Thus, the decision cited by the petitioner is not applicable having regard to the fact that in that petition before the last date for filing of application, petitioner had filed representation to rectify the error committed in Online application form. Therefore, present case is distinguishable to that of cited decision. Hence, petitioner has not made out a case so as to interfere with communication dated 30.12.2016 (Annexure P/7).

5. Heard learned counsel for the parties.

6. Short question for consideration in the present petition is whether the petitioner is entitled for change of category to the post of Assistant District Attorney in the Prosecution Department, State of Haryana pursuant to advertisement dated 17.11.2015 or not?

7. It is undisputedly the last date for submission of application form was 16.12.2015 and petitioner had submitted her online application on 15.12.2015 just a day before last date for submission of application. Petitioner should have made a necessary application on 15.12.2015 or 16.12.2015 to rectify the change of category from GM to that of BCA category. She has taken more than a week i.e. on 23.12.2015 submitted her application for rectifying the category which is after the prescription of last date for submission of application. The object of fixing the last date for submission of application is to see that eligibility of a candidate as on particular date. As on 16.12.2015 petitioner candidature's and claim for the post is under GM category, therefore, the same cannot be modified or changed beyond 16.12.2015. Thus, petitioner has not made out a case so as to interfere with communication dated 30.12.2016 (Annexure P/7). Relying on the decision passed in ***Usha Dhillon's case*** (supra) is concerned, it is evident that dates and events are entirely different. In that case, application for modification was prior to last date for submission of application. Hence, decision cited by the petitioner is not applicable to the present case.

Accordingly instant writ petition stands dismissed.

May 02, 2017
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[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes

Whether reportable : No