

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

CWP No. 7071 of 2017
Date of decision: 06.07.2017

Pardeep Kumar

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. J.S. Chatrath, Advocate,
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Kanwal Goyal, Advocate,
for respondent no. 3.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of the communication dated 24.03.2017 (Annexure P-1) issued by respondent no. 3-Commission whereby, his request for change of category as S.C. candidate for the post of a Lecturer in Computer Science has been declined.

It is not disputed that the petitioner had applied as a reserved candidate for the said post on 01.03.2014 (Annexure P-2). It is his case that as per the fees deposited on 20.02.2014, a sum of ₹125/- was the requisite fees for a reserved candidate since the general candidates were to pay a higher sum. A corrigendum was issued on 29.04.2016 (Annexure P-4) whereby, revised classification had been made in respect of the posts advertised earlier and accordingly candidates could apply against the new classifications through online process till 10.05.2016. As per Note (iii), candidates who had applied earlier were at liberty to make any change

regarding their category and qualification etc. in their previous online application forms upto 10.05.2016.

It is the case of the petitioner also that he did make a change in view of the fact that a period of 2 years had expired and, therefore, his experience had increased.

On the contrary, it is the stand of the Commission that while making the change, he had also made change regarding his category as such and classified himself as a general candidate, due to which they have now rejected his case.

However, the fact remains that while issuing the admit cards, which were to be downloaded, the Commission gave an opportunity on 16.03.2017 (Annexure P-7) that if there was any error in the name/father's name, category, date of birth, the Commission could be contacted in person or on telephone or on mail or for necessary rectifications in the admit card. The rectification could be made upto 31.03.2017 only.

It is the case of the petitioner that the admit card issued by the Commission (Annexure P-8) for the examination which was to be held on 04.04.2017 was of a general category and, therefore, he was prejudiced and had also approached the respondent-Commission vide representations dated 24.03.2017 and 27.03.2017 (Annexures P-9 and P-10 respectively), which have now been rejected vide the impugned order dated 24.03.2017 (Annexure P-1).

Once the Commission itself had given time for rectification vide its communication dated 16.03.2017 (Annexure P-7), this Court is not able to understand the hitch as to the correction which was sought and on what ground the denial is there. Admittedly, the petitioner approached the

respondent-Commission within the requisite period and it has not even been disputed now regarding his category as such which, of course, will be subject to further verifications at the time of scrutiny and at a subsequent period of time. Thus, the fact remains that the petitioner would ,thus, be entitled for the necessary rectification for consideration to the post of Lecturer in Computer Science in the Scheduled Caste category, against which he had initially applied. Resultantly, the impugned communication dated 24.03.2017 (Annexure P-1) is not sustainable being contrary to the communication dated 16.03.2017 (Annexure P-7) and the same is quashed. The respondent-Commission shall take necessary steps to consider the case of the petitioner for the said category for further consideration.

Writ petition stands allowed accordingly.

06.07.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No