

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CWP-14863-2017 (O&M)
Date of Decision: 31.10.2018

Sarla ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vinod Bhardwaj, Advocate,
for the petitioner.

Ms. Palika Monga, DAG, Haryana

RITU BAHRI, J. (ORAL)

In the instant writ petition filed under Article 226/227 of the Constitution of India, the present petitioner is seeking quashing of action of the respondents in canceling the candidature of the petitioner for the post of Supervisor (Female).

Pursuant to the advertisement No. 7/2016 dated 30.12.2016 (Annexure P-1), the respondents advertised 126 posts of Supervisor (Female) in the Department of Women and Child Development Department Haryana. The last date of submission of online form was 15.02.2017, which was extended up to 01.03.2017. The petitioner applied under the Economically Backward person in General Castes (EBPG) category. But the candidature of the petitioner was cancelled on the ground that she filled the online form declaring her category as BCB but infact the petitioner belongs to EBPG category, as per certificate (Annexure P-5).

Learned counsel contends that the petitioner had wrongly applied under BCB category whereas the petitioner is actually of EBPG category, which is obvious from the certificate (Annexure P-5), issued by Tehsildar, Pundri.

On the last date of hearing i.e 11.09.2018, learned State counsel has brought the result of the petitioner in a sealed cover and informed the Court that the last candidate in the EBPG category secured 102 marks and the petitioner secured 106 marks. Further the petitioner was provisionally interviewed, in view of order dated 12.07.2017 passed by this Court.

It is not in dispute that the petitioner was given certificate dated 17.02.2017 i.e before last date of submission of application form. It is not a case where the petitioner intentionally tried to change her category from BCB to EBPG and it was the duty of the respondents to read the form of the petitioner carefully and then to reject the case of the petitioner. For all intents and purposes, it was a clerical mistake. It is not a case of the respondents that the certificate (Annexure P-5) of the petitioner is not valid. Due to inadvertent mistake of the petitioner, the petitioner was considered against the wrong category.

Reference at this stage can be made to a judgment of this Court in a case of *Usha Dhillon vs. State of Haryana and others, 2015 (2) PLR 412* wherein it has been held that there was no provision on the website of the Commission allowing correction in the online application form. There was no option left with the petitioner but to approach the Commission through her application. If one is human, one will err. Right of no other candidate would be effected, if the application of the petitioner is permitted to be considered, as

prayed for. Respondents were directed to consider the case of the petitioner under Ex-servicemen category as dependent of Ex servicemen, in accordance with law.

In view of the above factual position, the present writ petition stands allowed and the respondents are directed to consider the candidature of the petitioner under EBPG category instead of BCB category and issue her appointment letter within a period of two weeks from the date of receipt of certified copy of this order. The petitioner is entitled to all consequential benefits.

(RITU BAHRI)
JUDGE

31.10.2018
manoj

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>