

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

LPA-745-2019 (O&M)

Date of decision:- 11.04.2019

Jaswinder Kaur

...Appellant

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Jai Bhagwan Sharma, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

This intra court appeal under clause X of the Letters Patent is directed against the judgement and order dated 05.03.2019 passed by the learned Single Judge dismissing the writ petition filed by the petitioner (appellant herein) seeking a prayer to command the respondent-authorities to consider her candidature for the post of Clerk under the Freedom Fighter Category instead of General Category.

2. The case set up by the appellant was that she belongs to Freedom Fighter Category, but inadvertently filled the category as General.

3. The advertisement inviting applications for the post of Clerk was issued on 01.09.2016. The examination was held on 06.05.2018. It is only after issuance of the result of the written test, the appellant had started making a claim that she was entitled to be considered under Freedom Fighter Category and that she may be allowed to carry out the necessary correction in the application form and may be considered for the post meant for reserved category of Freedom Fighter.

Learned Single Judge non-suited the appellant on the ground that the prayer is being made after three years of the advertisement and after about one year of holding of the written examination and, thus, she cannot be allowed to change her category at this belated stage.

4. Learned counsel for the appellant has relied upon a Division Bench judgement of this Court dated 22.02.2019 rendered in LPA-320-2019 titled as *Haryana Staff Selection Commission through its Secretary Vs Sarla and others* to contend that in identical situation, the correction was allowed to be carried out in the category.

5. We are afraid the judgement being relied upon by learned counsel for the appellant will not stand attracted and is clearly distinguishable on the facts. The case of *Sarla and others* (supra) was in respect of appointment of an Anganwari worker where applications were invited online. It was pleaded that the candidates therein for filling up the online form had to depend upon cyber cafes providing net services being residents of backward area and in the circumstances considering socio economic condition in our country to effect change in category was permitted. The appellant, who is an applicant for the post of Clerk, cannot draw parity with the applicant for the post of an Anganwari worker particularly one of the essential conditions prescribed by the advertisement was at least 100 to 120 hours course with hands on experience in the use of personal computer on information technology in office productivity applications or desktop publishing applications from government recognized institution or a reputed institution which is ISO 9001 certified.

6. Since one of the essential qualifications prescribed for appointment in the case of the appellant was computer

knowledge, the parity with the judgement being relied upon in the case of an Anganwari worker cannot be drawn and that too at such a belated stage. Thus, we do not find any good ground to take a view different from the one taken by the learned Single Judge in non-suiting the appellant.

7. The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

11.04.2019
Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No