

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

**CWP No.12335 of 2019
Date of decision:08.11.2019**

Anuja Sharma

... Petitioner

Vs.

Haryana Staff Selection Commission

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Aman Arora, Advocate
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

AMIT RAWAL J.

Grievance of petitioner in present writ petition is regarding non-acceptance of his request for considering her candidature under the Economically Backward Person in General Castes Category (for short 'EBPGC') instead of 'General Category' for the post of Post Graduate Teacher (History) published vide Advertisement No.4/2015 dated 28.06.2015 (Annexure P-1) against which petitioner had submitted an application by categorizing her as 'General Category' candidate.

Mr. Aman Arora, learned counsel appearing on behalf of the petitioner submitted that process of selection was started with written examination and admit card was issued under General Category. Petitioner cleared the written examination and was called up for verification of documents vide notice dated 16.11.2018 (Annexure P-4) but her name did not figure in the list of interview. The petitioner belongs to Economically

Backward Persons in General Caste Category (hereinafter referred to as “EBPGC”) as per certificate dated 26.06.2014 (Annexure P-5) and has also cleared Haryana Teacher Eligibility Test (HTET) conducted by Board of School Education Haryana at Bhiwani. A representation dated 30.04.2019 (Annexure P-7) in this regard was submitted. After the scrutiny of documents done on 26.11.2018, certificates (Annexures P-5 and P-6) for considering her candidature in EBPGC as she erroneously filled up online form under General Category were submitted. The petitioner secured more marks than the candidate in General Category. The cut off marks for General Category is 102 whereas for EBPGC is 84 and petitioner has secured 88 marks in written examination and 16 marks in viva-voce, total 104 marks, therefore, her candidature should have been considered.

Per contra, Mr. Kiran Pal Singh, learned Assistant Advocate General, Haryana appearing on behalf of the respondents-State opposed the aforementioned request on the premise that terms and conditions of the advertisement are sacrosanct wherein as per clause in the advertisement all the candidates were notified to upload all the documents with the application form and were to bring the education certificates and other documents mentioned in the online application form at the time of interview. As per result, petitioner has secured 104 marks in written examination and viva-voce under General Category and cut off marks are 120. The category could not be changed after the entire selection process was almost over and urged this Court for dismissal of petition.

I have heard learned counsel for the parties, appraised paper

book and of view that there is no force and merit in the submissions of Mr. Arora.

From the perusal of application form, it is revealed that petitioner categorically filled her category as 'General Category' and was also issued admit card (Annexure P-3). The representation (Annexure P-7) was submitted in April 2019 whereas scrutiny of documents was done on 26th November, 2018. It is a classic case where petitioner has volte-faced and tried to get the benefit of lower marks to compete with EBPGC candidates, though cut off marks in General Category is 120 vis-a-vis her marks 104. No explanation has come forth in rectifying the mistake immediately after submission of the application before examination could be held in March 2016. The present writ petition does not fall within the parameters of judicial review exercising powers under Article 226 of the Constitution of India.

No ground is made out for interference.

Dismissed.

(AMIT RAWAL)
JUDGE

November 08, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No