

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

CWP No.6246 of 2018 (O&M)

Date of Decision.13.08.2019

Pooja

...Petitioner

Vs

State of Haryana and another

...Respondents

Present: None.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The short point involved in the present case is whether the petitioner can be permitted to change the category than the one applied for in pursuance of selection process for filling up various categories of post.

It would be in the fitness of things to give few facts before answering aforementioned poser. In pursuance to advertisement No.1/2015 dated 19.06.2015 issued by respondent No.2 for filling up various categories under the Health Services, Haryana, petitioner applied for the post of Multi-Purpose Health Workers. There were 300 posts advertised which were increased to 380. Petitioner being handicap applied under the Physically Handicap Category for which 9 posts were reserved. All particulars regarding educational qualification and disability certificate were uploaded online. The admit card issued mentioned category of petitioner as PH (Hearing Impairment), therefore, approached respondents as she was having orthopedic disability. Petitioner sat in written examination and result of aforementioned examination was published on 14.02.2018 (Annexure P-12) where petitioner was placed at Sr. No.1 in the category of

hearing impairment. Petitioner again visited office of respondent and submitted another representation but admit card again issued for interview also reflected her as SC/Hearing Impaired. The interview was conducted on 05.03.2018 but her name was not shown in the list of successful candidates in the result declared on 08.03.2018. It is case of petitioner that respondents could have considered her as SC Category candidate as she had obtained good marks, thus, was eligible for being considered.

As per stand of respondents, it is submitted that petitioner had filled up her category after giving an undertaking that statement made in application form regarding age limits, educational qualification and experience was true, correct and complete to her knowledge. The disability certificate attached/uploaded shown disability to be 28% whereas as per Instructions dated 15.07.2014 only such persons were eligible for reservation in services/posts, who suffer from not less than 40% of relevant disability. As such, petitioner could not have selected. The law with regard to change of category is no longer *res integra*, in view of decision rendered by Hon'ble Supreme Court in **J&K Public Service Commission Vs. Irshad and another (2005) 12 SCC 498.**

I have gone through paper book and of the view that there is no force and merit. Facts as narrated above cannot be disputed. Question raised above has duly been answered in paragraph 6 of the reply wherein while referring judgment supra, it has categorically mentioned that when a person has chosen a particular category, he/she cannot change same at a later stage. A coordinate bench of this Court in CWP No.15119 of 2016 relying upon aforementioned judgment also did not accept similar contention and held that reliance placed on judgments in **Usha Dhillon Vs.**

State of Haryana and others 2015(2) PLR 412 would not be applicable as in said case computer committed a mistake and same was permitted to be corrected.

In view of such circumstances, no ground for interference is made out.

Dismissed.

(AMIT RAWAL)
JUDGE

August 13, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No