

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

CWP-32385-2019

Date of decision: 05.12.2019

Sumit Kumar

.....Petitioner.

vs.

Haryana Staff Selection Commission

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Raje Ram Kaushik, Advocate for the petitioner.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

.....

Sanjay Kumar, J. (ORAL)

The prayer of the petitioner in this case is to direct the Haryana Staff Selection Commission, Panchkula, Haryana, to treat his application (Annexure P-2) as one under Sports category only, instead of OSP-EBPGC category, and to select him for the post of Shift Attendant accordingly.

Mr. Hitesh Pandit, learned Additional Advocate General, Haryana, appearing for the Commission, would inform this Court that in terms of the law laid down by the Supreme Court in **J & K Public Service Commission vs. Israr Ahmad and others (2005) 12 Supreme Court Cases 498**, it would not be open to a candidate who has chosen to opt for the category to which he is entitled to later change the said status and make a fresh claim under a different category. He would further point out that this principle was applied by this Court in the decision rendered in **CWP-15119-2016**, titled **Shashi vs. State of Haryana and others**.

In the light of the aforesaid settled legal position, it is not open to the petitioner, who admittedly opted for consideration of his

candidature under OSP-EBPGC category to now claim consideration under a changed category, viz., outstanding sports category.

The writ petition is therefore misconceived in its very inception and is accordingly dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

05.12.2019

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no