

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

CWP-37295-2018

Date of decision :01.11.2019

Sarika Juneja

..... Petitioner

versus

Haryana Public Service Commission, Panchkula

..... Respondent

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present: Petitioner in person.

Mr.Kanwal Goyal, Advocate for the respondent.

AMIT RAWAL, J. (ORAL)

The petitioner has come to this Court for issuance of a writ in the nature of mandamus directing the respondent to recommend her name for the post of Assistant Professor of Psychology in the Government College for Women, Sirsa as one seat is lying vacant in the said college under the EBP(General) category.

The case as set out in the writ petition is that in pursuance to the advertisement dated 16.02.2016 the respondent-Commission invited applications for filling up the post of Assistant Professor(College Cadre) under the general category in the subject of Psychology in Government College for Women, Sirsa with hostel facility. The petitioner being an aspirant submitted her application form as a candidate in the general category and also uploaded all the documents. She was issued admit card and sat in the written

examination. The result was declared on 17.01.2018 and she did not come in the zone of selection for interview.

The petitioner who is appearing in person submits that she owns no house or bread or any other property nor has any source of income though she belongs to Economically Backward Persons(General)category (for short 'EBPG')and has already submitted her application form being a divorcee and legally separated but her candidature has not been considered in EBP(General) category. Reliance has been made to the certificate dated nil issued by one advocate showing that she belongs to EBPG category.

On the other hand Mr.Kanwal Goyal, learned counsel appearing for the respondent-Commission submits that the petitioner's candidature under the EBPG category cannot be considered as the cut off date is already over as she sat in the examination fully knowing well that she belongs to general category. The law with regard to the terms and conditions of the advertisement and its variation is no longer *res integra*. It is settled law that the terms and conditions of the advertisement cannot be changed subject to the suitability and the candidate cannot volte-face after having filled the form with open eyes.

I have heard learned counsel for the parties and perused the paper book with their assistance.

During the course of hearing the petitioner has shown a certificate now having been issued by a Tehsildar. Concededly the petitioner had applied under general category as per the application form and was also issued admit card for that category. Category cannot be changed after the entire process is over. She has now been able to obtain the certificate from the competent authority but cannot be considered in respect of the present advertisement

where the reservation now being sought to be considered was not named.

Petition is dismissed.

(AMIT RAWAL)
JUDGE

01.11.2019
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No