

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5092-2019

Date of decision: 21.01.2020

Neeru

...Petitioner(s)

V/s.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G., Haryana.

RITU BAHRI, J. (Oral).

The petitioner had applied for the post of PGT Mathematics under the general category. The final result was declared on 12.01.2019 (Annexure P-8). In the application, the petitioner had mentioned her category as general (Annexure P-3). The last selected candidate under the general category had secured 116 marks and the petitioner had not made a cut in the general category.

The petitioner approached this Court seeking direction to the respondents to consider her under the EBPG category as there are 23 vacant posts under the said category as per vacancy chart (Annexure P-9). The petitioner was issued EBPG certificate on 25.06.2014 (Annexure P-4) and at the time of making application form (Annexure P-3), the petitioner had the EBPG certificate. Inadvertently the petitioner had mentioned her category as general. She had also shown her EBPG certificate at the time of interview. However, her case had been rejected on the ground that after

making application form, she cannot change her category during the pendency of the selection process. The petitioner had also placed on record income certificate (Annexure P-12) that the father of the petitioner is having annual family income from all sources as Rs.1,00,000/- and this had been verified by the Patwari.

The stand taken by the respondents in the short reply is that the petitioner cannot change her category during the pendency of the selection process. However it is not being denied that 23 posts are lying vacant under the EBPG category since suitable candidates were not available during the selection process.

Learned counsel for the petitioner refers to clause 2(ii) of instructions dated 27.09.2013 (Annexure P-11) whereby the total annual income of the family of the applicant should not cumulatively exceed Rs.2,50,000/- per annum from all sources including agricultural income.

A similar issue had come up for consideration before this Court in **CWP-31185-2018** titled as ***Robina V/s. State of Haryana and others.*** In this case also, on account of inadvertent mistake, the petitioner could not mention her category as EBPG in the application form while participating for the post of PGT (Chemistry). Her candidature was not considered under the EBPG category on the ground that during the selection process she could not change her category. The writ petition was allowed as the vacant posts under EBPG category were vacant.

In the present case also, as per vacancy position (Annexure P-9) which is not being disputed by the respondents, 23 posts of PGT (Mathematics) under the EBPG category are still lying vacant and keeping in view that petitioner has EBPG certificate before the cut off date and

income of the father of the petitioner as per certificate (Annexure P-12) is also not more than Rs.1,00,000/-, this petition is allowed. Respondent No.2-Commission is directed to recommend the name of the petitioner for appointment within 15 days from the date of receipt of certified copy of this order and appointment will be given from the date her juniors have been appointed. She will also be given notional fixation of pay and other consequential benefits in accordance with law.

(RITU BAHRI)
JUDGE

21.01.2020
Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No