

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

112

CWP-7063-2020

Decided on : 01.10.2020

Pardeep Gill

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. S.P. Laller, Advocate and
Mr. Shubham Saroha, Advocate
for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral):

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner in pursuance to advertisement No.12/2019, dated 20.07.2019 (Annexure P-6/11) applied for the post of Workshop Calculation and Science Instructor under the Sports quota. Thereafter, he took the online examination on 06.12.2019. On the basis of his performance in the online examination, he was called for document verification on 13.03.2020 by the respondent-Commission. However, on verification of his original documents, the candidature of the petitioner was rejected on the ground that his case for appointment against sports quota was not covered by the Haryana State Reservation Sports Policy as participation in Inter University Tournaments was not included in the eligibility criteria fixed for candidates applying under the sports quota.

Learned counsel for the petitioner has urged that on account of the change of policy with respect to the reservation of posts under the sports

quota, the case of the petitioner should be considered under the General Category. It has been argued that merely because the petitioner applied under the reserved category would not debar him from being considered under the General Category and as such, his case should be considered under the general category now.

Heard and perused the material available on record.

It would be apposite to refer to the advertisement (Annexure P-6), wherein, following instructions/guidelines were categorically stipulated:

“1.2 Procedure/ Instructions/ Guidelines for Online Filling of Application Form

Following are all the general and special instructions for the applicant with respect to the online filling of the application form

a. to 3. xx xxx xx xxx

f. No request for change of any particular on the application form shall be entertained by the Haryana Staff Selection Commission.

g. No offline application form or copy of downloaded application form will be accepted by the Haryana Staff Selection Commission.

xx xxx xx xxx

xx xxx xx xxx

The Commission does not scrutinize the documents at the time of submission of online application and the same are checked only at the time of Scrutiny.

Important note

Important Note:

- 1. Candidates are advised to fill their application form carefully such as Name, Father's/Mother's name, Date of Birth and Category, Qualification, marks, obtained*

passing year, photo, Signature, details & fee, etc. No request for change of any particular on the online application form shall be entertained by the Haryana Staff Selection Commission after submission of application form.

2. *After final submission of application form, no change will be allowed. Candidate will be responsible for any mistake in the data of application form and fees paid by him/her.*
3. *In case candidate feels that he/she has filled up the form erroneously, he/she should fill up a fresh online application form alongwith fresh requisite fee before closing date.”*

A perusal of the aforementioned leaves no manner of doubt that it was clearly stipulated that under no circumstances, a candidate could not be considered for appointment in a category other than for which he had applied in pursuance to the advertisement Annexure P-6.

It is the admitted case of the petitioner himself that as per the new policy pertaining to reservation under the sports quota, the petitioner was not eligible. It is yet again a matter of record and not disputed by the learned counsel for the petitioner that when the advertisement (Annexure P-6/11) was issued, the new policy pertaining to the reservation under the sports quota had already been notified by the State Government. Hence, the submission of the learned counsel that the petitioner was eligible as per the previous policy pertaining to reservation under the sports quota, would not be of any avail to him. Still further, his prayer for change of category and consideration under the General category cannot be permitted once the selection process is already underway. Reliance can be placed be upon **J&K**

Public Service Commission Vs. Israr Ahmad and Ors., 2005(12) SCC

498, wherein, the Supreme Court categorically held that once a candidate while filling up his application had opted to take his examination under a particular category, he could not be later on permitted to change his category or be considered under a different category.

As a sequel to the above, the instant petition is bereft of any merit and stands dismissed accordingly.

(MANJARI NEHRU KAUL)
JUDGE

October 01, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*