

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

**CWP-7881-2020
Decided on : 29.06.2020**

Navneet Sidhu

... Petitioner(s)

Versus

Punjab State Power Corporation Ltd. and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Saurabh Arora, Advocate
for the petitioner(s).

Ms. Anu Pal, DAG, Punjab.

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 has approached this Court under Article 226/227 of the Constitution of India, seeking a writ of Mandamus for directing official respondents No.1 and 2 to consider her candidature for the post of Superintendent Divisional Accounts (for brevity 'SDA') advertised vide advertisement No. CRA 293/19, dated 05.09.2019 (Annexure P-1) under the 'SC/MB' category, as she had not been called for the verification of her documents despite being higher in merit than respondent No.3, who also belonged to the same category as the petitioner.

2. The petitioner had initially applied for the post of SDA on 27.09.2019 under the SC/OT category in pursuance to advertisement No. CRA 293/19, dated 05.09.2019 (Annexure P-1). Thereafter, a corrigendum was issued on 27th September, 2019, in which there was an alteration in the category-wise breakup for the post of SDA. In the said corrigendum, the candidates were given an option for change of their category by giving a representation along with the relevant documents to support their case for change of category by 11.10.2019. It would be apposite to

reproduce the relevant portion of the aforementioned corrigendum:

“Note: Since there is new addition in the sub-categories of SC/MB, SC/MB (XSM-Self/Dep.) for the posts of Revenue Accountant and SC/MB for the post of Supdt. (Divisional Accounts), as such the candidates belonging to these categories who have applied in General or some other category need not apply again and they will be considered in the category to which they actually belong on the basis of representation/application alongwith relevant documents proving their actual category which must be submitted upto the closing date of online registration i.e. 11.10.2019. Such candidates must submit their application either manually or by email at following address:

*Address: Chief Engineer/HRD, PSPCL Head Office, The Mall
Patiala – 147001*

Email: ce-hrd@pspcl.in”

3. The written examination for the aforementioned post was conducted on 19th December, 2019, which was followed by the declaration of the result of the written examination by way of a combined merit list on 04th March, 2020. The petitioner was placed at Sr. No. 471 with 56.75% marks, whereas, respondent No.3 secured 54.75% marks and was placed at Sr. No. 547. The petitioner after the declaration of the combined merit list sent an e-mail dated 11.03.2020 (Annexure P-7) to the respondent Corporation with a request to change her category from SC/OT to SC/MB by pleading that she had inadvertently filled up the application for the advertised post under the SC/OT category.

4. Learned counsel for the petitioner submits that vide Notification dated 16th March, 2020 (Annexure P-8), a list of the candidates was notified, who were asked to report for document checking before the Document Checking Committee.

The name of respondent No.3 found mention in the said list of candidates. However, despite the petitioner securing a higher rank and more marks than respondent No.3, her name did not figure in the said list of candidates. He thus contends that the petitioner is eligible for consideration to the post of SDA under the SC/MB category being higher in merit than respondent No.3 and should have been called for document verification for the said post of SDA.

5. In support of his contention, learned counsel for the petitioner has placed reliance upon the judgment of this Court rendered in **CWP No. 26352 of 2018 (O&M)**, titled as, “**Harjit Kaur Vs. State of Punjab and Ors.**”, decided on **05.11.2019**.

6. *Per contra*, while rebutting the contentions of the learned counsel for the petitioner, learned State counsel has submitted that online test for the post of SDA was conducted on 19th December, 2019 and the petitioner took the said test as a SC/OT category candidate. She further submits that as per the note given in the Corrigendum (Annexure P-2), the petitioner failed to change her category from SC/OT to SC/MB, within the stipulated time i.e. 11.10.2019 and it was only on 11th March, 2020, after the declaration of the result, the petitioner gave a representation to the respondent Board for the change of her category.

7. Heard.

8. It is the admitted case of the petitioner herself that she failed to approach the respondent Board for the change of her category from SC/OT to SC/MB and it was only after the declaration of the combined merit list that she represented to the respondent Corporation on 11th March, 2020 for the change of her category. It is apparent that the petitioner woke up from her slumber as late as on 11th March, 2020, and failed to change her category from SC/OT to SC/MB, within the prescribed time given in the Corrigendum. In this background the petitioner cannot blame the respondent Corporation for having being discriminated against and not being

included in the list of notified candidates (Annexure P-8) called for documents checkup.

9. Learned counsel for the petitioner's reliance upon **Harjit Kaur's case** (supra) is misplaced and would not come to her aid as the facts and circumstances of the instant case are clearly distinguishable. In the present case, an opportunity had indeed been provided to the candidates to change their category before a particular date, which as per the admitted case of the petitioner herself she failed to do so.

10. In view of the above, no ground for interference under Articles 226/227 of the Constitution of India is made out. Consequently, finding no merit in the petition, the same is hereby dismissed.

(MANJARI NEHRU KAUL)
JUDGE

June 29, 2020

J.Ram

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