

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

**C.W.P No 24674 of 2018
Date of decision : 14.01.2020**

Sunil Kumar

....Petitioner

versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioner.

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

RITU BAHRI, J. (Oral)

Petitioner is seeking issuance of direction to respondent No. 3 to consider his claim for interview for the post of PGT (Political Science) qua 21 posts meant for EBPGC category. Further prayer of the petitioner is to consider his claim for selection and appointment against 21 posts meant for EBPGC category

On 26.09.2018, following order was passed by this Court:-

“Learned senior counsel contends that pursuant to advertisement dated 28.06.2015, the petitioner applied for the post of PGT (Political Science) under EBPGC category. The petitioner appeared for written examination but he was not called for interview on the ground that his certificate of Economically backward person is dated 10.12.2015 i.e after the cut of date.

Learned senior counsel has further informed the Court that there were total 21 posts meant for EBPGC category whereas only 14 persons have been called for interview.

Notice of motion for 19.03.2019.

In the meantime, the petitioner shall be interviewed provisionally on

01.10.2018 and his result be kept in a sealed cover.

A copy of this order be given dasti under the signatures of Court Secretary/Reader attached to this Court.

Today, learned State counsel has produced the result of the petitioner in a sealed cover, which has been opened by the Reader of this Court. As per result, the petitioner has secured 70 marks in written examination and 10 marks in viva voce (total 80 marks) but he has been treated under General category as he filled his form under general category. The last candidate under EBPGC category secured 102 marks and 10 candidates have been selected and 11 posts are still lying vacant.

It is not in dispute that the petitioner had been given EBPGC certificate on 10.12.2015 and posts have been advertised, vide advertisement dated 28.06.2015 (P-1). The cut of date for filling the form for the above posts was 21.09.2015. The petitioner appeared in the written examination on 20.03.2016 under General category. He gave representation 14.03.2017 to treat him under EBPGC category. He also attached his EBPGC certificate, which was duly received by the Commission.

This Court issued the notice to the respondents, as there were total 21 vacancies under EBPGC category and only 14 candidates were called for interview.

Learned State counsel is relying upon judgment of this Court in a case of ***Shashi vs. State of Haryana and others, passed in CWP No. 15119-2016, decided on 22.05.2018***, wherein it has been observed as under:-

Perusal of the advertisement (Annexure P-1) clearly shows that a candidate can apply only once for a particular category of post advertised. It also makes it clear that no offline form is to be accepted. Another condition included in the advertisement is that incomplete application form would be rejected. Thus, a candidate is

*required to be very circumspect while filling the application. Although the petitioner may have obtained the EBPG certificate before the extended date of submitting applications, she can not take benefit thereof as she had applied under the general category. Had she applied for the EBPG category and had failed to attach the certificate alongwith the application, the case may have been different. The Division Bench judgment of this Court in **Usha Dhillon (supra)** does not support the case of the petitioner as in the said case the computer had committed a mistake and the same was permitted to be corrected. The judgment of the Supreme Court in **J&K Public Service Commission (supra)** makes it clear that once a candidate has chosen a particular category, he can not change the same at a later date.*

Learned State counsel contends that in the present case, the petitioner very cleverly after seeing his written examination result, has given the representation to change his category. The EBPGC certificate was always with the petitioner and he can apply under EBPGC category but he chose not to do so as he wanted to get selected in the General category, where posts were more in number.

Learned State counsel has informed the Court that out of 21 posts under EBPGC category, 11 posts are still lying vacant under EBPGC category.

In the present case, the petitioner had appeared in the written examination as General category candidate on 20.03.2016, as the posts were more in number in that category. But subsequently, he gave representation on 14.03.2017 for changing his category. It is not in dispute that he already had EBPGC certificate dated 10.12.2015.

The present petition deserves to be allowed, as the object of giving reservation to Economically Backward Classes is that they should be made part

of main stream of the society and get government jobs and live a secured life.

Keeping in view the object of giving reservation to Economically Backward Class people, the present petition is being taken as a special case, which shall not be made precedent for any other category.

Accordingly, the present writ petition is allowed and direction is given to the respondent-Commission to recommend the case of the petitioner within a period of 15 days for appointment against 11 posts meant for EBPGC category. Thereafter, within the next fifteen days, the appointment letter be issued to the petitioner by respondent No. 2.

January 14, 2020
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No