

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

**LPA No. 2031 of 2019 (O&M)
Date of decision: 16.01.2020**

Haryana Staff Selection Commission

... Appellant

Versus

Dharamvir Singh and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Deepak Balyan, Additional Advocate General, Haryana,
for the appellant.

Ms. Navreen Kaur, Advocate,
for respondent No.1.

This is an intra-court appeal, under Clause X of the Letters Patent, against an order and judgment dated 20.3.2019, passed by the learned Single Judge, vide which the writ petition preferred by the respondent, has since been allowed.

The facts that are required to be noticed are limited.

Pursuant to an advertisement dated 16.04.2018, the respondent competed for selection to the post of Male Constable (GD) under BCA Category. He appeared in the written examination held on 23.12.2018 and was shortlisted for the physical screening test, which too he qualified. But, for he had mentioned his category as SC in his application form, his candidature was rejected during scrutiny of documents.

We have heard learned counsel for the parties and perused the records.

AMIT KUMAR
2020.02.13 13:00
I attest to the accuracy and
authenticity of this document

Undoubtedly, in his application form, the respondent mentioned his category as SC. However, concededly, the certificate that he appended with the said application, in support of his candidature, was a Backward Class Certificate (Annexure P-8). Not just that, the certificate Number, i.e. SRS/BC/09/2950, the respondent filled in his application form, was the same as reflected in his Backward Class Certificate. *Ex facie*, there is no dispute that respondent actually belongs to BCA Category. Thus, in the given situation, the only and the inevitable conclusion that could be reached: it was owing to an accidental error the respondent mentioned his category as SC. The mistake being bonafide and because of its timely detection, the learned Single Judge directed the appellant to consider the claim of the respondent under the BCA Category.

On being pointedly asked, learned counsel for the appellant could not refer to anything on record to show if the conclusion arrived at by the learned Single Judge was either contrary to the record or suffered from any material illegality.

The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

January 16, 2020
AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: NO