

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

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CWP No.12145 of 2021

Decided on : 08.07.2021

Udham Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Shish Pal Laler, Advocate
for the petitioner.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India seeks change in the candidature from SC Category to the Dependent of Ex-Serviceman Category (SC) against the advertisement No.6/2006 for the post of Art & Craft teacher, wherein two posts of said category were advertised.

It is not disputed that the petitioner at the initial stage had applied in the SC Category only more than a decade earlier. Earlier selection process was set aside by this Court and the judgment had been upheld by the Apex Court as per the pleadings in the petition itself. In pursuance of the said directions, a written test was held on 31.01.2021, in which the petitioner had appeared. On the basis of the result of the written examination, candidates have been called for interview and scrutiny of documents on 10.03.2021 (Annexure P-8). The present applications have thus now been filed on 27.02.2021, 15.03.2021 and 20.03.2021 (Annexures P-9 to P-11) seeking the said relief.

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It is thus not disputed that on two occasions the recruitment process took place and the petitioner at no stage had given such a request. After having taken part in the selection process and once the result of the written examination has been declared, he cannot seek the benefit of change of category. This change of heart is apparently only on account of the fact that only one applicant has found eligible in the category of ESM (SC) as per the result which has now been declared. In para no.6 of the petition it has been specifically pleaded that one post of ESM (SC) category would remain unfilled due to lack of passing of written test of such candidate. He was well aware when he had filled up the form as to which category he belongs to and thus he is estopped from change of category at this belated stage and the writ petition is not liable to be entertained.

Resultantly, there is no merit in the present writ petition and the same is dismissed in limine.

July 08, 2021

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No