

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

**LPA-226-2022 (O&M)
Date of decision: 23.08.2022**

Sweety Nagar

... Appellant

Versus

State of Haryana and another

... Respondents

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

Present: Mr. Rajesh Goyal, Advocate, for the appellant.
Mr. Deepak Balyan, Addl. AG, Haryana.

RAVI SHANKER JHA, C.J. (Oral)

This appeal has been filed by the appellant, under Clause X of the Letters Patent Act, being aggrieved by an order dated 07.01.2022, passed by the learned Single Judge in CWP-25698-2021.

The brief facts leading to filing of the appeal are that the appellant applied for appointment pursuant to an advertisement issued by the Haryana Staff Selection Commission, Panchkula, dated 05.07.2019. Admittedly and undisputedly, the appellant applied for the post of LDC under category No.26 in General Category. At the time of selection and scrutiny of documents, the appellant sought to change her category from General to BC-B and for consideration of a claim against the post reserved for BC-B category. The respondent-authorities vide order dated 13.07.2021 rejected the claim of the appellant being aggrieved by which the appellant filed CWP-25698-2021 which has been dismissed by the learned Single Judge vide the impugned order.

Learned counsel for the appellant submits that the mistake committed by the appellant was bona fide and that she sought correction of the same before completion of the selection process during scrutiny of documents, in such circumstances, the authorities should have allowed the appellant to change her category and make a claim against the post reserved for BC-B category. He submits that even otherwise posts of BC-B are vacant and, therefore, the appellant be considered and appointed on the post reserved for BC-B category.

We have heard learned counsel for the appellant and perused the order passed by the learned Single Judge.

Learned Single Judge has taken all aspects into consideration including the relevant clauses of the advertisement which categorically provided that no change or correction in application form filled by the candidate would be permitted. The Court has also taken note of the fact that once a candidate has chosen to apply in a particular category, cannot later on turn around and seek change of the same, and for this purpose the learned Single Judge has quoted a judgment of the Apex Court in Civil Appeal No.6696 of 2009 *titled as Rajasthan High Court Jodhpur & another v. Neetu Harsh & another*, decided on 29.08.2019.

From a perusal of Clause 1.2(f) of the Advertisement, it is evident that no request for change of any particular on the application form shall be entertained by the Haryana Staff Selection Commission after the same has been filled. The important note appended to clause 1.2 of the advertisement makes this fact further clear, which is reproduced for the purpose of convenience as under:

“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.”**

From a perusal of the aforesaid clauses, it is clear that the authorities having contemplated such a situation and having faced them in the past has inserted these important notes in the advertisement cautioning every candidate and advising them to carefully read the application form while filling up the name, father's name, mother's name, date of birth and category, qualification, marks obtained, passing year, photo, signature, details and fee as no request for change of any particular as mentioned in the online application would be entertained subsequently. The clause further makes it clear that any mistake in the application form would be the sole responsibility of the candidate. The authorities have also been cautious

enough to include a clause permitting candidate to change the details in the form and for that purpose in note No.3 has stated that in case the candidate feels that the form has erroneously been filled up, he/she should fill up a fresh online application along with fresh requisite fee before the closing date. Apparently, the appellant was well aware of these notes in spite of which no such fresh application seeking correction etc. was filed by the appellant in the present case before the closing date i.e. 25.07.2019, which is the last date by which any such correction by way of a fresh application could have been filled/applied by the candidate.

Apart from the above, it is also evident that the learned Single Bench while dismissing the petition has taken note of the fact that the selection process is over and the result thereof has been declared on 30.04.2021 and, therefore, in such circumstances, no such claim as made by the petitioner can be entertained at this stage as allowing the same would upset the entire selection process.

We are of the considered opinion that no fault can be found with the view taken by the learned Single Judge in the instant case in view of the particular clauses as enumerated above. Though the learned counsel for the appellant has relied upon the decision of this Court rendered by the Division Bench in **Haryana Staff Selection Commission through its Secretary v. Sarla and others**, (LPA No.320 of 2019, dated 22.02.2019), however, from a perusal of the same, it is evident that in the said appeal the “Important Note” quoted above was absent and the interpretation and impact of the relevant clauses of the advertisement quoted in the preceding paragraphs was neither involved nor decided. This Court while dealing with the identical matters i.e. CWP-22753-2020, LPA-349-2022 and LPA-380-

2022, wherein the advertisement clearly contained a clause prohibiting any change in the application form has dismissed similar petitions as the present one.

In view of the aforesaid, we do not find any merit in the appeal and the same is accordingly dismissed.

(Ravi Shanker Jha)
Chief Justice

(Arun Palli)
Judge

23.08.2022
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO