

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

CWP-5733-2019

Date of Decision: 02.03.2022

NEELAM KUMARI

..... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kuldeep Sheoran, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

LISA GILL, J.

Petitioner in this case is aggrieved of the action of the respondents in not considering her candidature in the category of Dependent of Ex-servicemen (DESM), for the post of PGT Chemistry.

The petitioner admittedly applied for the post of PGT Chemistry under the General category, pursuant to advertisement no. 4/2015 dated 28.06.2015. Admit card was issued to the petitioner for participation in the selection process. Petitioner took the written test held on 16.06.2016 and she was called for document verification. It is pleaded that petitioner participated in the document verification/scrutiny on 12.04.2017, however, at the time of scrutiny, the petitioner requested that her category be changed from the General category to DESM category as the petitioner was also eligible for the said category, her father having retired from Military and the petitioner being a dependent of an Ex-serviceman. However, the petitioner when called for interview figured in the list of candidates in the General category.

The petitioner participated in the interview for the said post on 30.11.2018 and it is stated that she again requested to be treated in the DESM category. Final result was declared on 27.12.2018. It is contended that the petitioner was not reflected in the select list.

Learned counsel for the petitioner submits that against the 17 posts reserved for DESM category, only 09 candidates were found eligible for selection to the said post and 08 posts remained vacant due to non-availability of suitable candidates. It is claimed that in case, the petitioner would have been considered under the DESM category, petitioner would stand selected keeping in view the marks secured by her. Reference is made to the marks scored by the candidates in the various categories in the written test, to buttress this argument. It is argued that petitioner's claim was erroneously not considered. It is, thus prayed that this writ petition be allowed.

Learned counsel for the respondents while refuting the arguments raised by learned counsel for the petitioner, submits that once having opted for participating in the selection process under one category, it is not open to a candidate to seek change in the said category at a later stage. The petitioner, it is stated has attached a DESM eligibility certificate dated 25.01.2019 with the present writ petition, which cannot be relied on. Therefore, this writ petition being devoid of any merit, it is prayed, should be dismissed.

I have heard learned counsel for the parties and have gone through the file.

In my considered view, there is merit in the stand taken by the respondent-State that it is not open to a candidate to seek change of

category to DESM at a belated stage having first participated in the selection process till the process of scrutiny as a general category candidate.

It has been held by Hon'ble Supreme Court in *J & K Public Service Commission Vs. Israr Ahmad and others, 2005(1) SCC 498*, that once a candidate has chosen to opt for the category to which he is entitled, he cannot later change the status and make a fresh claim.

It is specifically mentioned in the advertisement Annexure P-1 that a candidate can submit only one online application form for a particular category of the post advertised. Admittedly, petitioner in the present case, in her application form submitted pursuant to advertisement no. 4/2015 dated 28.06.2015, has stated her category to be 'General' and not DESM. It is after taking the written test on 16.06.2016, when she was called for document verification that the petitioner requested for change of her category from General to DESM, which is clearly impermissible.

In similar circumstances, coordinate Benches of this Court have rejected the similar claims set forth in *Kuldeep Kaur Vs. State of Punjab and others, 2021(3) SCT 20* and vide order dated 22.05.2018 in CWP-15119-2016.

No other argument has been addressed.

Accordingly, this writ petition is dismissed being devoid of merit.

(Lisa Gill)
Judge

02.03.2022

Sunil

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No