

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

**LPA-102-2022(O&M)
Date of decision: 22.04.2022**

Ravinder Singh

... Appellant

Versus

State of Haryana and others

... Respondents

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

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

RAVI SHANKER JHA, C.J. (Oral)

This appeal has been filed by the appellant being aggrieved by an order and judgment dated 07.10.2021 passed in CWP-17917-2021 by the learned Single Judge dismissing the petition filed by him. In the petition filed by the appellant, he prayed for quashing the order dated 03.10.2020 (P-10) passed by the Haryana Staff Selection Commission, Panchkula (respondent No.2) by which his claim to consider his candidature for the post of Shift Attendant under the Scheduled Castes category was rejected.

Learned counsel for the appellant submits that while passing the impugned order, the learned Single Judge failed to consider that the authorities initially advertised the posts on 20.02.2016 and on the said date the appellant belonged to BC-A category and had applied as such as a BC-A candidate. He submits that subsequently a constitutional amendment was

made vide notification dated 09.05.2016 (P-7), whereby the appellant, who was *Rai Sikh*, was included in the list of Scheduled Castes in the State of Haryana by creating entry '29A'. Thus, he submits, in view of the constitutional amendment, the appellant ought to have been considered as a Scheduled Castes candidate and granted appointment. Learned counsel for the appellant further submits that the change in the category from BC-A to Scheduled Castes came about on account of the constitutional amendment made subsequent to issuance of the advertisement and, therefore, the authorities were bound to consider the claim of the appellant as a Scheduled Castes candidate. A reference is made to a Scheduled Castes certificate issued by the competent authority on 03.06.2016 (P-2).

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

From a perusal of the above, it is evident that the advertisement in question was issued on 20.02.2016 and the last date for filing online application was 04.04.2016. It is the case of the appellant that initially he applied as a BC-A category candidate. He appeared in the written examination and result of which was declared on 30.04.2017. The scrutiny of documents was conducted by the authorities from 05.05.2017 to 11.05.2017. And thereafter the interviews were held from 24.08.2017 to 26.08.2017, and again on 28.08.2017 & 29.08.2017. The final results were declared on 08.03.2019 by the Commission. The appellant thereafter filed a representation/notice on 20.04.2019 (P-4), wherein he informed the authorities that as his category had changed, therefore, he should now be considered as a Scheduled Castes candidate. The authorities on the basis of the representation of the appellant and the directions issued by this Court in

CWP-3099-2020, considered his representation/legal notice and passed the impugned order dated 03.10.2020 (Annexure P-10). After enumerating the facts mentioned above, the authorities stated that the appellant after having qualified the written examination was short-listed for scrutiny of documents vide notice dated 30.04.2017. His documents were scrutinized on 08.05.2017. Whereafter, he was short-listed for interview vide notice dated 12.08.2017. The appellant was interviewed under the BC-A category on 04.09.2017. However, the appellant failed to succeed as he had obtained 87 marks that were well below the marks obtained by the last BC-A category candidate, who had obtained 92 marks. The authorities has also taken note of the fact that the appellant while filling the application form declared his category as BC-A. Neither did he mention in the application form nor attached any proof or certificate claiming himself to be a Scheduled Castes candidate. Be that as it may, even otherwise, the appellant had obtained 87 marks, whereas the last candidate selected even in the Scheduled Castes category itself had secured 89 marks. That is, more than the appellant. Thus, the appellant was not entitled to the relief prayed for. Resultantly, the authorities rejected the claim of the appellant vide the impugned order.

The learned Single Judge has examined all the aforesaid facts and aspects of the case.

Having heard the learned counsel for the appellant and perused the record, we are of the considered opinion that the order passed by the learned Single Judge does not suffer from any infirmity or illegality. It is pertinent to mention here that there is nothing on record to indicate that the appellant being notified as Scheduled Castes category in 2016 and having obtained a certificate to that effect in May, 2016, ever filed any application

seeking change of his category from BC-A to Scheduled Castes before the authorities. In fact, the facts narrated and as evident from the record indicate that the appellant neither during the scrutiny of the documents nor while appearing for interview before the Committee made any such assertion. In fact, it was for the first time on 20.04.2019, after the entire process of the written examination, interview etc. was over, the appellant made a claim that he be considered as a Scheduled Castes candidate. Rather, the fact is that appellant having failed to be selected as a BC-A category candidate, sought to stake his claim by asking the authorities to consider him as a Scheduled Castes candidate. Which apparently was an afterthought, when the entire process of selection was over. At any rate, the appellant had obtained less marks than even the last selected candidate in the Scheduled Castes category itself and, therefore, his claim for appointment was wholly devoid of basis and misconceived.

In such circumstances, the appeal filed by the appellant is bereft of merit and is, accordingly, dismissed.

(Ravi Shanker Jha)
Chief Justice

(Arun Palli)
Judge

22.04.2022
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO