

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

237

**CWP-446-2019 (O&M)
Date of decision: 15.02.2023**

Buta Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. N.S. Lucky, Advocate for the petitioner.

Mr. Rohit Arya, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of mandamus directing the respondents to consider the petitioner for the post of Trained Graduate Teacher (TGT) Punjabi in terms of advertisement No.4/2016 dated 17.03.2016 in Economically Backward Person in General Castes (EBPGC) category instead of General Category.

Learned counsel for the petitioner submits that the petitioner had applied for the post of TGT Punjabi in terms of advertisement dated 17.03.2016 in General category; that the written examination was conducted on 24.07.2016; that after scrutiny and interview, the final result was declared on 20.12.2018, wherein the petitioner was not qualified for the post in the General Category, the petitioner gave a representation dated 22.12.2018 to consider him under EBPGC category instead of general category because the posts are still lying vacant in that category.

Learned State counsel points out that as per the short reply dated 22.06.2020 filed on behalf of respondent Nos. 2 and 3, the petitioner had

applied for the post of TGT (Punjabi) in terms of advertisement No.04/2016, Cat. No.1, under General category. The petitioner appeared in the written examination, after scrutiny of documents appeared in the interview on 29.10.2018 and the final result was declared on 20.12.2018 but the petitioner was not selected therein due to lesser marks and 125 marks were secured by the last selected candidate in General category and when the petitioner did not qualified in the final result, he prayed to consider him under EBPGC category instead of General category. In the advertisement itself, it is clearly mentioned that candidates applying for a post must ensure that they fulfill all the eligibility conditions on the last date of application, if on verification at any time before or after the written examination or interview or appointment it is found that they do not fulfill any of the eligibility condition, then their candidature will be cancelled. The petitioner has not mentioned his category as EBPGC in the application form and further the petitioner has annexed the EBPG certificate (Annexure P-3) which was issued on 08.03.2017 i.e. after cutoff date for submission of online application form i.e. 29.04.2016, therefore, the candidature of the petitioner cannot be considered under EBPG category.

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

Perusal of case file would itself reveal that after written examination, scrutiny and interview, the final result for the post of TGT Punjabi under General Category was declared on 20.12.2018, wherein the petitioner was not qualified and thereafter, he prayed to consider him under EBPG Category and also submitted his Certificate (Annexure P-3) which was issued on 08.03.2017 i.e. after the cutoff date of submission of online

application form i.e. 29.04.2016.

A Coordinate Bench of this Court in CWP-15119-2016 titled as ‘Shashi Vs. State of Haryana and others’, decided on 22.05.2018, held that once a candidate has chosen a particular category, he cannot change the same at a later date. The relevant Para is as under:-

“7. Perusal of the advertisement (Annexure P-1) clearly shows that a candidate can apply only once for a particular category of post advertised. It also makes it clear that no offline form is to be accepted. Another condition included in the advertisement is that incomplete application form would be rejected. Thus, a candidate is required to be very circumspect while filling the application. Although the petitioner may have obtained the EBPG certificate before the extended date of submitting applications, she can not take benefit thereof as she had applied under the general category. Had she applied for the EBPG category and had failed to attach the certificate alongwith the application, the case may have been different. The Division Bench judgment of this Court in Usha Dhillon (supra) does not support the case of the petitioner as in the said case the computer had committed a mistake and the same was permitted to be corrected. The judgment of the Supreme Court in J&K Public Service Commission (supra) makes it clear that once a candidate has chosen a particular category, he can not change the same at a later date.

Since the petitioner was not in the consideration zone under the General Category, he made a request to consider his candidature under EBPG category and the said certificate was issued on 08.03.2017 i.e. after the cutoff date of submission of online application form i.e. 29.04.2016, no ground to grant the relief to the petitioner as sought for is made out.

Dismissed.

(HARNARESH SINGH GILL)
JUDGE

15.02.2023
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No