

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 9385 of 2022 (O&M)****Date of Decision: 19.05.2023**

Soam Chand

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Gurminder Singh Phull, Advocate
for the petitioner(s).

Mr. Navdeep Chhabra, Senior Deputy Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The petitioner prays for the issuance of the writ in the nature of certiorari to quash the order dated 02.05.2022 passed by the Chairman, Punjab Public Service Commission, Patiala, whereby, his request for change of category from the “General” to that of “Lineal Descendent of Ex-Servicemen (LDESM)” has been rejected.

2. The learned counsel representing the contends that pursuant to the decision taken by the government, the recruitment examination is yet to be held afresh because the earlier one was scrapped. The learned counsel submits that without disturbing the other candidates, the petitioner’s request should have been accepted.

3. On the other hand, the learned State counsel, on the instructions from Ms. Rekha Rani, Senior Assistant, Punjab Public Service Commission,

recruitment notice, which read as under:-

“10.0 Submission of Application Form

The candidates can ONLY apply by filling Online Application Form, a link of which is available on the website of the Commission <http://ppsc.gov.in>. No other mode of application will be accepted.

<i>Process</i>	<i>Step</i>	<i>Last Date</i>
<i>To make new registration for applying for the post</i>	<i>(Step-1)</i>	<i>08.01.2021 By 11:59:00 PM</i>
<i>To deposit the Application fees by system generated Bank Challan Form.</i>	<i>(Step-2)</i>	<i>15.01.2021 (During Banking Hours)</i>

- 10.0(a) The candidates are NOT REQUIRED to send the Hard Copy of the Online Application Form to the Office of Punjab Public Service Commission. However, the candidates must take out the hard copy in soft form or print out at the time of applying otherwise he/she will not be able to take out the copy at the later stage. He/she must retain the hard/soft copy of online application form along with all eligibility documents ready to be sent at a short notice to PPSC whenever required by PPSC.*
- (b) However, candidates applying under the Sports Category if any such post exists, will send a hard copy of 'On line Application Form' along with Sports Gradation Certificate and other certificates related to sports to establish his eligibility under the sports category at the reception counter of PPSC by hand by 15.01.2021.*

(c) *Also, Persons with disabilities must submit the hardcopies of Online Application Form alongwith Disability Certificate and request for scribe, if any and other eligibility documents at the reception counter of PPSC by hand by 15.01.2021. For any assistance Persons with disabilities may contact Superintendent Examination: 0175-5014832.*

(d) *The following SELF ATTESTED CERTIFICATES shall be submitted by candidates when asked at short notice:*

- 1. Proof of Date of Birth: Certificate of Matriculation/Higher Secondary.*
- 2. Proof of having passed Punjabi Language.*
- 3. Relevant Degree and DMC Certificate.*
- 4. Reserved Category Certificate issued by the Competent Authority If Applicable)*
- 5. Experience certificate issued by Competent Authority.*
- 6. If ESM, certificates/documents mentioning the following:-*
 - i) Date of Enrolment*
 - ii) Date of Release/Discharge*
 - iii) Reason of Release/ Discharge*
- 7. Certificate as proof of age relaxation claim. (If Applicable).*
- 8. Certificate as proof of fee concession (If*

Applicable).

9. Proof of being Govt. Employee.

10. Copy of Bank Challan (PPSSC Copy only)

(e) The Candidates SHALL sign the declaration on Page No.2 of the print out of Online Application Form before submitting the same. The Candidates SHALL sign the declaration on last page of the print out of Online Application Form before submitting the same.

11.0 to 12.3 XXXX XXXX XXXX XXXX

12.4 A candidate should indicate the specific category for which he/she wants to be considered and category once opted cannot be changed under any circumstances.”

12.5 to 12.6 XXXX XXXX XXXX XXXX

13.0 **CATEGORIES**

Candidates should select their categories carefully, because candidates belonging to categories other than category 71 (General), are entitled to fee concession exemption, age relaxation and job reservation. The category once selected by a candidate will not be changed under any circumstances. Candidates shall submit certificates issued by the Competent Authority in support of their claim to a particular category.

Categories and Category Code

<u>Code No.</u>	<u>Category Name</u>
71	General Category
72	ESM, Punjab

73	<i>LDESM, Punjab</i>
74	<i>Freedom Fighter, Punjab</i>
75	<i>Sports Person, Punjab</i>
76	<i>Person with Disability, Punjab:</i>
	<i>A: Blind and Low Vision</i>
	<i>B: Deaf and Hard of Hearing</i>
	<i>C: Locomotive Disability</i>
	<i>D: Intellectual Disability</i>
77	<i>SC Others, Punjab</i>
78	<i>SC ESM, Punjab</i>
79	<i>SC LDESM, Punjab</i>
80	<i>SC Sports Person, Punjab</i>
81	<i>Balmiki/Mazhbi Sikhs, Punjab</i>
82	<i>Balmiki/ Majhbi Sikh ESM, Punjab</i>
83	<i>Balmiki/ Majhbi Sikh LDESM, Punjab</i>
84	<i>Balmiki/Mazhbi Sikh Sports Person, Punjab</i>
85	<i>BC, Punjab</i>
86	<i>BC ESM, Punjab</i>
87	<i>BC LDESM. Punjab</i>
92	<i>Economically Weaker Section</i>

CODE FOR AGE RELAXATION (If claimed)

<u>Code No.</u>	<u>Category Name</u>
91	<i>State Government/Central Government Employees.</i>
92	<i>SC Punjab only</i>
93	<i>Balmiki/Mazhbi Sikh Punjab Only</i>
94	<i>Widows & certain other categories of women of Punjab.</i>
95	<i>B.C.. Punjab Only</i>
96	<i>ESM, Punjab Only</i>
97	<i>Person with Disability, (Physical Handicapped) Punjab Only</i>
98	<i>SC Punjab only State Government Central Government Employees.</i>
99	<i>SC Punjab only+ ESM, Punjab.</i>
100	<i>SC Punjab only + Person with</i>

	<i>Disability, (Physical Handicapped) Punjab.Balmiki Majhbi Sikh Punjab + only State Government/Central Government</i>
101	<i>Employees.</i>
102	<i>Balmiki/Mazhbi Sikh Punjab only+ ESM, Punjab.</i>
103	<i>Balmiki/Mazhbi Sikh Punjab only + Person with Disability. (Physical Handicapped) Punjab.</i>
104	<i>B.C., Punjab. + State Government/Central Government Employees.</i>
105	<i>B.C.. Punjab. + ESM, Punjab</i>
106	<i>B.C., Punjab. + Person with Disability, (Physical Handicapped) Punjab.</i>

The learned State counsel submits that the candidates were specifically informed in the recruitment notice that the category once opted by them shall not be permitted to be changed under any circumstances.

4. This Court has considered the submissions of the learned counsel representing the parties. The terms of the recruitment notice are sacrosanct. In this case, as informed by the learned State counsel, there are approximately 75000 applicants. The petitioner cannot be given preference without giving the same option to the other similarly situated candidates. Once a categoric provision has been made in the recruitment notice, the Court on the equitable grounds is not expected to ignore the terms of the recruitment notice. Moreover, if at this stage the category change is permitted, it would result in inviting the fresh applications even beyond the last date of the submission of the application.

5. Keeping in view the peculiar facts of the case, this Court does not find any substantive ground to interfere. Consequently, the present writ

petition is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

May 19, 2023
“DK”

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