

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

CWP-16412-2022 (O&M)

Date of decision: 22.03.2023

Pawandeep Kaur

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr.Shakti Mehta, Advocate for the petitioner
Mr. R.S.Pandher, Sr.DAG, Punjab

ANIL KSHETARPAL, J (Oral)

CM-2251-CWP-2023

Allowed as prayed for. Annexure P-7 is taken on record.

CM-4850-CWP-2023

Allowed as prayed for. Annexures P-8 and P-9 are taken on record.

Main case

1. The petitioner prays for issuance of a writ in the nature of Certiorari to quash the selection list of the Staff Nurses uploaded on the website on 29th June, 2022. The petitioner claims that she is entitled to be considered in Ex-serviceman Scheduled Caste (M&B) category. She claims to have secured 31 marks whereas respondent No. 4 to 8 are lower in merit. The petitioner claims to be dependent of an Ex-serviceman. However, while filing the online application, she applied under the category of “ex- serviceman self”. Moreover, she was required to produce certificate of dependence to establish her claim for appointment under the category of Ex-serviceman Scheduled Caste (M&B). She did

not submit that certificate alongwith the application form. The respondents, keeping in view the aforesaid facts, have considered the application of the petitioner under the General category.

2. The learned counsel representing the petitioner submits that there was an inadvertent mistake in the application, however, the petitioner submitted the certificate of dependency on 22nd March, 2022. He submits that the recruiting agency has taken a hyper technical view of the matter while refusing to consider the petitioner's application under the afore-referred category.

3. In support of his argument, he relies upon judgment passed in CWP No. 23185 of 2014 titled as '**Usha Dhillon vs. State of Haryana and others**' decided on 15th December 2014.

4. This Court has considered the submissions. The learned counsel representing the petitioner does not dispute that there was an error in the submission of the online application by the petitioner. Moreover, the attention of the Court has not been drawn to the clause, which permits the applicant to rectify the error in the online application, after the last date of submission. Moreover, the petitioner did not possess the certificate of dependency issued by the competent authority on the date of inviting the applications.

5. The relevant extract of clause 2 of the recruitment notice is reproduced as under:-

“For reserved categories the certificate should be produced by the competent authority by the date of calling for applications. Otherwise the applicant will be considered under general category.”

6. The respondents have already considered the petitioner's application under the General category as submitted in the recruitment notice. The judgment passed in **Usha Dhillon's case (supra)** is given in a case where within 2 days, the petitioner therein had submitted a hard copy of the application alongwith the request for permission to correct the inadvertent error. However, in the present case, the petitioner never submitted an application for correction.

7. Keeping in view the aforesaid facts, no ground to issue the writ, as prayed for, is made out.

8. Hence, dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

22.03.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE