

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

277 (02 cases)

(1) CWP-18213-2022
Date of Decision :-04.12.2023

Bunty

...Petitioner

Versus

State of Haryana and others

...Respondents

(2) CWP-19038-2022

Anita Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.S. Gopera, Advocate for the petitioner
in CWP-18213-2022.

Mr. Parminder Singh, Advocate for the petitioner
in CWP-19038-2022.

Mr. Tapan Yadav, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. By this common order, above mentioned two writ petitions are being disposed of as both the writ petitions involve same question of law on similar facts.

2

For the purpose of this order, facts are being taken from CWP-

18213-2022 titled as Bunty vs. State of Haryana and others.

3. Respondent No.3-Commission issued an advertisement No.15/2019 dated 07.09.2019 inviting applications for various posts. Last date for submission of application form was 20.10.2019. The petitioner filled up the application form for the post of Multipurpose Health Worker (Female) in category No.20 wherein, 23 posts were advertised.

4. It may be noticed that in category No.4, 565 posts of Multipurpose Health Worker (Female) were also advertised.

5. Petitioner-Bunty applied for the post of Multipurpose Health Worker (Female) in the reserved category (SC) under category No.20, wherein, one post was reserved for SC category under the main category of ex-serviceman.

6. Written examination was conducted and in the written examination, a joint admit card was issued for both the categories i.e. category No.20 and category No.04 and even the same examination was held on the same date for both the categories.

7. Grievance of the petitioner raised in the present petition is that the petitioner is being considered under category No.20 whereas, he is also eligible to be considered under category No.4 against the reserved category of SC as the candidates having lower marks than the petitioner in the said category No.4 were selected.

8. Upon notice of motion, the respondents have filed reply wherein, it has been mentioned that nomenclature of the posts under category No.4 and category No.20 are same but the posts were advertised in different department with different pay scales. As per the respondent-

Commission, even while holding the written examination, it was mentioned that posts advertised under category No.4 relate to Health Department Haryana whereas, posts advertised under the category No.20 relate to the department of Employees State Insurance Health Care, Haryana and they both are separate departments. As per the respondents, once the posts were advertised in different departments under different categories, the candidates were required to fill separate application forms for both the categories 20 and 4 and only the candidates who had applied in a particular category are eligible to be considered and selected in their respective category in which they applied hence, the claim of the petitioner is not maintainable as concededly the petitioner has filled his application form under the category No.20 and not under category No.4.

9. No replication to the written statement was filed by the petitioner.

10. I have heard learned counsel for the parties and have gone through the record with their able assistance.

11. It is a conceded fact that the posts advertised under the category No.20 and category No.4 carries same nomenclature and same qualification. In the notice, which was issued for written examination, it was duly mentioned that the posts advertised under category No.4 relate to department of Health, Haryana whereas, posts advertised under category No.20 relate to department of Employees State Insurance Health Care, Haryana, which are separate departments.

12. Further, in the advertisement, it was also mentioned that in case a candidate intends to apply qua more than one category/post, separate application form is to be filled up. It is also a conceded position that

petitioner had filled an application form under the category No.20 and no separate application form was submitted by him under category No.04. Once the petitioner had not applied under the category No.04, posts of which category relate to different department with different pay scale, no grievance can be raised by the petitioner that he is eligible to be considered under category No.04 as well.

13. At this stage, learned counsel for the petitioner argues that inadvertently the petitioner has filled up the application form in category No.20 whereas, he intended to fill up the application form in category No.4.

14. Qua the said argument, it may be noticed that the petitioner should have realized the said fact when he had filled the application form and in case the same had been filled up inadvertently in category No.20, as per the condition mentioned in the advertisement, the petitioner was required to fill up a new separate application form for separate category. Having been not availed the said opportunity, now after the selection process for the post in question is over, the petitioner cannot raise the said grievance at this belated stage.

15. It is a settled principle of law that a candidate, who applies in a particular category, he/she is eligible to be considered in the said particular category only. The petitioner is comparing himself with the candidates, who have secured less marks than him but have applied in the different category. That being so the factual position, no grievance can be raised by the petitioner with regard to the less marks obtained by the candidates in the category, in which the petitioner never applied.

16. In CWP No.19038-2022, the claim of the petitioner is that he had applied in the reserved SC category under category No.4 but he wants to

be considered in reserved category of ESM (SC) under category No.20 as the candidates having lower marks than her under the said category have been selected and appointed.

17. On the same analogy, once the petitioner has not applied in reserved category of ESM (SC) under category No.20, but claiming benefit of the post under the said category, any candidate, even if, having lower marks than the petitioner in that category, will not give right to the petitioner to claim benefit in the reserved category of ESM (SC) under category No.20, in which category petitioner never applied.

18. Keeping in view the facts and circumstances noticed hereinbefore, no ground for interference is made out by this Court and the writ petitions are accordingly dismissed.

19. Civil miscellaneous application pending, if any, is also disposed of.

20. A photocopy of this order be placed on the file of connected cases.

December 04, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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