

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CWP No. 24590 of 2018

Date of Decision : 05.09.2023

Monika

...Petitioner

Versus

Haryana Staff Selection Commission

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Singh Duhan, Advocate for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the claim of the petitioner is that in pursuance to the Advertisement No. 7/2016 (Annexure P-1), the petitioner applied for the post of Supervisor (Female) for which the petitioner claimed that she was fully eligible.

2. As per the petitioner, she had applied in the BC-A Category and competed under the said Category. Thereafter, the petitioner filed a representation with the respondents that she belongs to BC-B Category and not BC-A, hence, her candidature be considered in the BC-B Category instead of BC-A Category.

3. In the reply filed, the respondents have stated that once the petitioner has applied under a particular Category, keeping in view the terms and conditions of the Advertisement, the said Category cannot be changed. Learned counsel for the respondents further submits that as per the settled principle of law settled in Civil Appeal No. 198 of 2005 titled as ***J & K Public Service Commission Vs. Issar Ahmad and Others,***

decided on 07.01.2005, the Category in which a candidate applies, can only be treated as a relevant Category for considering the claim of such candidate and the candidate cannot be allowed to change the Category after the last date of submission of the application form, hence, the claim of the petitioner can only be considered in BC-A Category. The relevant paragraph 6 of the said judgment is as under :-

“6. We have considered the rival contentions advanced by both the parties. The contention of the first respondent cannot be accepted as he has not applied for the selection as a candidate entitled to get reservation. He did not produce any certificate along with his application. The fact that he has not availed the benefit for the preliminary examination itself is sufficient to treat him as a candidate not entitled to get reservation. He passed the preliminary examination as a general candidate and at the subsequent stage of the main examination he cannot avail the the reservation on the ground that he was successful in getting the required certificate only at a later stage. The nature and status of the candidate who was applying for the selection could only be treated alike and once a candidate has chosen to opt for the category to which he is entitled, he cannot later change the status and make fresh claim. The Division Bench was not correct in holding that as a candidate he had also had the qualification and the production of the certificate at later stage would make him entitled to seek reservation. Therefore, we set aside the judgment of the Division Bench and allow the appeal.”

4. Learned counsel for the petitioner submits that keeping in view the fact that the petitioner has already undergone the selection process under the orders of the Court, the petitioner be considered under

the Category BC-A keeping in view the eligibility provided and an appropriate order be passed keeping in view the merit position of the petitioner in the said category.

5. Learned counsel for the respondents submits that the claim of petitioner will be considered under the Category in which she has applied i.e. BC-A and appropriate order will be passed as to whether, the petitioner is entitled to compete under the said Category and in case, she is found eligible to compete in the BC-A Category as she has already undergone selection process under the order of this Court, keeping in view her merit position, whether or not she is entitled for selection and consequent appointment, appropriate order will be passed within a period of eight weeks of the receipt of copy of this order.

6. Learned counsel for the petitioner submits that keeping in view the said statement of learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further.

7. Ordered accordingly.

September 05, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No