

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

111

**CWP-526-2023 (O&M)
Date of decision: 12.01.2023**

Pardeep Kumar

...Petitioner

Versus

State of Haryana and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mukesh Yadav, Advocate for the petitioners.

Mr. R.S. Budhwar, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the respondents to consider/decide the representation dated 07.12.2022 (Anneuxre P-10) and consider the petitioner under BCB Category.

Learned counsel for the petitioner submits that the petitioner belongs to the BCB Category and with his initial application form, a fee of Rs. 25/- for the category was also paid by him; that said posts were re-advertised vide subsequent advertisement No. 12/2019, but due to inadvertence in the subsequent online application the category was mentioned as General; that the fee of the candidates who had applied earlier was waived off; that when no objection was raised by respondent No.2, the petitioner presumed that the error had been rectified by respondent No. 2 and he did not make any effort for the correction of the category; that the petitioner appeared

in the written test on 11.12.2021 and secured 52 marks and the 'cut off' marks of BCB Category was also 52, whereas for that of waiting list, it was 51 and that the petitioner at the time of scrutiny of documents had uploaded his BCB Category certificate but the candidature of the petitioner was not entertained because of less fee, which was deposited with earlier application under BCB category. It is further submitted that as the fee of the candidates applied earlier against the advertisement was exempted, therefore, there was no occasion for the petitioner to deposit the excess fee.

Learned counsel for the petitioner further submits that the petitioner has also submitted a representation dated 07.12.2022 to respondent No.2 but till date no action has been taken on the same.

I have heard the learned counsel for the petitioner and have also gone through the documents on record.

Perusal of the documents would reveal that in Annexures P-3 and P-4, the category of the petitioner is clearly mentioned as General and on the basis of Admit Card (Annexure P-4), he had appeared in the written examination as well, wherein he secured 52 marks, which were the 'cut off' marks for BCB Category. It appears that as number of posts in General Category was more than the BCB Category, the petitioner tried his luck in the General Category and when he could not secure requisite cut off marks for the General Category, he started making efforts to get considered his candidature in the BCB Category.

This Court is of the view that at this stage, the petitioner cannot turn around and say that he belongs to the BCB Category instead of General Category. Once, the category was mentioned as General by the petitioner and

he had also appeared in the examination on the basis of the admit card so issued indicating the category of the petitioner, the contention of the petitioner that he had inadvertently mentioned his category as General seems to be an afterthought.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

12.01.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No