

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

LPA-13-2023 (O&M)
Decided on 01.02.2024

Haryana Staff Selection Commission

... Appellant

Versus

Vishvajeet Singh and another

... Respondents

**CORAM: HON'BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE AMAN CHAUDHARY**

Present: Mr. Deepak Balyan, Addl. AG, Haryana.

Mr. Brijender Kaushik and
Mr. Yashvinder Singh, Advocates for respondent No.1

AMAN CHAUDHARY, J.

CM-21-LPA-2023

For the reasons mentioned therein, the delay of 265 days in filing the appeal is condoned.

The application stands disposed of.

Main Appeal

1. Challenge in the present appeal filed is to the judgment dated 22.02.2022 passed by learned Single Judge, whereby the petition filed by petitioner-respondent was disposed of.

2. Having heard the learned counsel for the parties, we are unable to countenance the submissions made on behalf of the appellant.

3. The writ petition was filed by the petitioner-respondent seeking quashing of the order whereby the claim regarding consideration under category BC-‘B’ instead of BC-‘A’ for the post of heavy vehicle driver was rejected.

Learned Single Judge had observed that the petitioner-respondent, though, had filed the correct caste certificate, as per which he would fall in the category of

BC-‘B’, the cut off marks for which were 114 and those for BC-‘A’ were 104. Thus, the matter was disposed of with a direction to consider and issue appointment letter subject to fulfilment of eligibility condition.

4. Hon’ble the Supreme Court in the case of **Vashist Narayan Kumar vs. State of Bihar**, 2024 SCC OnLine SC 2, had held that if an error has crept in the application form, which appears to be genuine and bona fide mistake, then it will be unjust to penalise the candidate and the cancellation was set aside by observing that, “In this case, the appellant has participated in the selection process and cleared all the stages successfully. The error in the application is trivial which did not play any part in the selection process. The State was not justified in making a mountain out of this molehill. Perhaps the rarefied atmosphere of the cybercafe, got the better of the appellant. He omitted to notice the error and even failed to avail the corrective mechanism offered. In the instant case, we cannot turn a Nelson's eye to the ground realities that existed. In the order dated 22.11.2021 in C.A. No. 6983 of 2021 [*Prince Jaibir Singh v. Union of India*], this Court rightly observed that though technology is a great enabler, there is at the same time, a digital divide.”

5. In the case at hand, the category of the respondent was BC-‘B’, uploading of the certificate of which was not in dispute. The error that had occurred, was on account of him having mistakenly opted for BC-‘A’ category, nonetheless the marks obtained by him were way higher than the cut off for both the categories. There would have been no benefit that he would have derived by mentioning the wrong category.

6. There is neither any patent illegality nor perversity in the impugned judgment, warranting an interference by us. As a fall out, the present appeal fails and is hereby dismissed. Expeditious compliance be made to the direction

contained in the impugned judgment, preferably within a period of two weeks from the date when a web-print of this judgment is received and inform this Court.

7. Pending applications, if any, shall be rendered as disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

01.02.2024
ashok/gsv

Whether speaking / reasoned: YES / NO

Whether Reportable: YES / NO