

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-2924-2019 (O&M)
Decided on : 14.03.2024

ANKOR BOORA

.....PETITIONER

Versus

HARYANA STAFF SELECTION COMMISSION

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Jasbir Mor, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the prayer of the petitioner is that the petitioner applied for appointment to Group 'D' post in pursuance to the advertisement No. 4/2018 dated 25.08.2018, copy of which has been appended as Annexure P-1 and as the petitioner is Orthopedically Handicapped (O. H.) having disability to the extent of 46 % as per the disability certificate (Annexure P-3), the petitioner intended to apply against the post reserved for Orthopedically Handicapped (O. H.) candidates, but inadvertently, he filled-up the form for the post in question under the sub-category of visually handicapped (V. H.) instead of Orthopedically Handicapped (O. H.).

2. Learned counsel for the petitioner submits that while filling up the application form for the post in question, the disability certificate of Orthopedically handicapped to the extent of 46 % disability was uploaded alongwith the application form.

3. Learned counsel for the petitioner further submits that as soon as the said mistake came to the knowledge of the petitioner, the petitioner

approached the Commission with a prayer to change the category from Visually Handicapped to Orthopedically Handicapped and even submitted the representation dated 28.01.2019 (Annexure P-7) but the prayer of the petitioner was rejected by the Commission, hence, the petitioner approached this Court by filing of the present petition.

4. During the pendency of the present petition, vide interim order dated 01.02.2019 passed by the Co-ordinate Bench of this Court, the petitioner was allowed to compete against Group D post and his case was required to be considered under the category of Orthopedically Handicapped instead of Visually Handicapped category.

5. Learned counsel for the petitioner further submits that while competing for the post in question under the reserved category in pursuance to the advertisement No. 4/2018 (Annexure P-1), the petitioner has been found eligible and has already been appointed against the post in question

6. On the other hand, learned counsel for the respondents submits that once, the petitioner has applied under the category of Visually Handicapped (V. H.), the same category could not have been changed now from Visually Handicapped to Orthopedically Handicapped.

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

8. While filling-up the application form, the intention of the applicant should be seen. It is a conceded position that the petitioner is the physically handicapped candidate. It is also conceded that alongwith application form for the post in question, the petitioner had attached the disability certificate describing the petitioner as Orthopedically

Handicapped (O.H.) having disability to the extent of 46%. That being so, once, the certificate showing the disability being Orthopedically Handicapped (O.H.) was made part of the application form merely mentioning the incorrect sub-category in the category of physically handicapped, which mistake was sought to be corrected immediately in the application form, the respondents should have allowed the said correction.

9. Even otherwise, keeping in view the interim order dated 01.02.2019 passed by the Co-ordinate Bench of this Court, the petitioner had already been considered for appointment on Group D post in the category of Orthopedically Handicapped (O.H.) and has already been selected and appointed qua the said post. That being so, once, the petitioner has already been selected against one of the reserved post under the category of Orthopedically Handicapped (O.H.) in pursuance to the advertisement No. 4/2018 (Annexure P-1), no further orders are required to be passed by this Court in the present petition as the petitioner was entitled to be considered under the category of Orthopedically Handicapped (O.H.) keeping in view the facts and circumstances of the present case.

10. The present writ petition is disposed of.

11. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

14.03.2024

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*

