

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 110

Civil Writ Petition No.4796 of 2024
Date of Decision: April 02, 2024

Mamta

..... PETITIONER

VERSUS

State of Haryana & another

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Baljeet Beniwal, Advocate, for the petitioner.

Mr. Sanjeev Kaushik, Additional Advocate General,
Haryana.

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Tribhuvan Dahiya, J (Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to make necessary correction/changes in the application form dated 03.03.2023, Annexure P-6, submitted by the petitioner, for the post of Trained Graduate Teacher (TGT) for Rest of Haryana and Mewat Cadre, in response to Advertisement No.2/2023 dated 21.02.2023, Annexure P-5.

2. Learned counsel for the petitioner has contended that while filling-up the form through Cyber Café, the petitioner's caste '*Chamar*' was correctly mentioned but not her category, which got mentioned as 'General'. The very mention of caste shows her category was mentioned wrongly due to inadvertence, therefore, the correction should be allowed, and her candidature should be treated under the Scheduled Caste category. He has

also relied upon the judgment rendered in LPA No.385 of 2017, titled *Kiran Bala vs. State of Haryana & others*, in support of his contention.

3. Learned State counsel, appearing on advance notice, contends that the petitioner on her own mentioned her category as 'General' and appeared for written examination as such, on 30.04.2023. Remaining successful in the written examination, she was called for scrutiny of documents on 11/12.07.2023. Only final selection result has not been declared. At this stage, the petitioner cannot be permitted to change her category.

4. Heard.

5. Undisputed facts on record are that the petitioner applied for the post of TGT as a 'General' category candidate, though mentioned her caste as '*Chamar*', which is a Scheduled Caste. Apparently, the petitioner consciously applied as a 'General' category candidate, and participated in the selection process by appearing for the written examination as well as scrutiny of documents on that basis. Despite being a Scheduled Caste, she is entitled to apply for the post as a General category candidate, which she did and her candidature was also considered accordingly. Consequently, she is estopped from changing her category to that of Scheduled Caste. The plea that the mistake was inadvertently committed at the time of filling up the form through Cyber Café is also incorrect; it was not filled through Cyber Café as recorded in the application form, dated 03.03.2023, itself. The judgment in *Kiran Bala's case (supra)* has been rendered on different facts, and has no application to the instant case. It was a case where the form was filled up through Cyber Café, and the applicant therein was not computer/net-savvy.

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For the reasons stated, there is no ground to entertain the petition.
8.

Dismissed.

(Tribhuvan Dahiya)
Judge

April 02, 2024
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Whether Speaking/ Reasoned:

Whether Reportable:

Yes/ No

Yes/ No