

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119)

CWP-5641-2024

Date of Decision : March 11, 2024

Amarjeet and another

.. Petitioners

Versus

Haryana Staff Selection Commission

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Prarthana Duggal, Advocate, for
Mr. Namit Khurana, Advocate, for the petitioners.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioners is that the petitioners competed for Group D post as advertised vide Advertisement No.1 of 2023 dated 30.05.2023 (Annexure P-1).

2. Learned counsel for the petitioners argues that inadvertently, the petitioners applied under the General category though the petitioners intended to compete under the category of Eligible Sports Persons. Learned counsel for the petitioners submits that the petitioners applied for the change of the category but the same was not being considered and the petitioners approached this Court by filing CWP No.24040 of 2023, which was disposed of by this Court on 20.10.2023 by directing the respondents to decide the representation filed by the petitioners for the change of their category. Learned counsel for the petitioners further submits that the said

claim has been decided by the respondents vide order dated 09.02.2024 (Annexure P-10) and the petitioners have not been allowed to change their category from General to Eligible Sports Persons, which order is under challenge in the present writ petition.

3. Learned counsel for the petitioners submits that the petitioners had inadvertently applied for the post in question in the General category whereas he intended to compete in the reserved category of Eligible Sports Persons hence, once before the written examination, the petitioners had applied for the change of their category, the respondents were under an obligation to grant the said benefit and denial of the said benefit vide impugned order, is totally arbitrary and illegal and the respondents are liable to be directed to consider the candidature of the petitioners in the category of Eligible Sports Persons instead of General category.

4. Notice of motion.

5. Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-Commission.

6. Learned State counsel, on the other hand, submits that as per the terms and conditions of the advertisement, all the candidates were required to thoroughly check their application form before submission and the change in category was made impermissible and in the present case, the claim of the petitioners that they had inadvertently filled up the General category instead of Eligible Sports Persons, is an after thought for the reason that not even a single document/gradation certificate, which is needed to be eligible to compete under the category of Eligible Sports Persons, was attached along with the application form.

7. I have heard learned counsel for the parties and have gone

through the record with their able assistance.

8. The terms and conditions mentioned in the advertisement dated 30.05.2023 (Annexure P-1) for the notice of the candidates are sacrosanct and are to be complied with in letter and spirit. The candidates, who are competing for the post in question, should be vigilant enough to apply in the category in which they intend to. The change of category, has not been allowed as per the terms and conditions of the advertisement. Once the change of category is impermissible as per the terms and conditions of the advertisement, which conditions are sacrosanct, the grievance being raised by the petitioners that they should be allowed to change their category from General category to Eligible Sports Persons category, cannot be accepted.

9. Even otherwise, the contention of the petitioners that they inadvertently filled up the General category instead of the category of Eligible Sports Persons, needs to be adjudicated.

10. It may be noticed that for applying under the category of Eligible Sports Persons, a candidate need to attach the Sports Gradation Certificate. It has been conceded before this Court during the arguments that even as of now, there is no Gradation Certificate which has been issued to the petitioners.

11. Once, there is no Sports Gradation Certificate which has been issued to the petitioners and none was attached while filling up the application form, how can the petitioners say that they intended to apply in the reserved category of Eligible Sports Persons instead of General category. These facts clearly go to show that the plea raised before this Court is an after thought and cannot be made admissible.

12. Even otherwise, in similar facts and circumstances, the writ petitions for the change of category have already been dismissed, details of

which have been given in the impugned order itself such as *CWP No.21872 of 2018 titled as Vinay Sharma vs. State of Haryana and others, decided on 22.05.2020* as well as *CWP No.5733 of 2019 titled as Neelam Rani vs. State of Haryana and others, decided on 02.03.2022*. Learned counsel for the petitioner has not been able to rebut the said fact.

13. Keeping in view the above, no ground is made out for any interference by this Court in the present writ petition.

14. Dismissed.

March 11, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No