

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CWP No. 6686 of 2024
Date of Decision : 20.03.2024

Deen Dayal

...Petitioner

Versus

Haryana Staff Selection Commission

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bhupinder Malik, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

1. Learned counsel for the petitioner submits that the petitioner only filled up the form so as to compete for Group-D post, a copy of which has been appended as Annexure P-4. Learned counsel submits that while filling up the post, the petitioner mentioned that he belongs to the reserved category of scheduled caste and is also applying under the category of Eligible Sports Person, which fact is clear from the CET result dated 12.01.2024 (Annexure P-7), wherein, the petitioner has been described as a member of the reserved category and is competing in the sub category of Eligible Sports Person. Learned counsel for the petitioner further submits that on 26.02.2024 (Annexure-P-8), a public notice was issued that in case, any candidate wants to correct the particulars, the same be done upto 28.02.2024 after which, no opportunity will be given and in order to upload his latest Haryana Residence Certificate, the

petitioner uploaded the said certificate but did not change any other information required including the fact that the petitioner was competing in the reserved category of Eligible Sports Person but now the result has been declared and though, the candidates, who had lesser merit in the category of eligible sports persons have been selected but the name of the petitioner does not find mention in the said result. Learned counsel for the petitioner submits that without there being any reason, the petitioner has been ousted from the zone of consideration, which is arbitrary and illegal.

2. Notice of motion.

3. On the asking of the Court, Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

4. Learned counsel for the respondents submits that as per his instructions, the petitioner never filled up the category of Eligible Sports Person while correcting the application form under the public notice dated 26.02.2024 (Annexure P-8) and hence, he has withdrawn his claim under the said category, which information, as supplied by the petitioner, filled by him under the public notice dated 26.02.2024, has been taken into account while publishing the result.

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

6. It may be noticed that the petitioner though, applied under the reserved category of Schedule Caste in the sub category of Eligible

Sports Person initially but the petitioner chose to amend the said information in pursuance to the public notice dated 26.02.2024 (Annexure P/8). Once, the petitioner chose to amend his application form by exercising right under the public notice dated 26.02.2024, only the information supplied in the application form so amended, could have been taken into account by the respondents.

7. Learned counsel for the petitioner conceded before this Court that the petitioner was of the view that once he has already applied under the category of Eligible Sports Person, the same need not to be mentioned again while correcting the application form, which right the petitioner was exercising under the public notice dated 26.02.2024. Once, it is conceded before this Court that while correcting the particulars already filled up, the petitioner chose not to mention that he is competing in the Eligible Sports Person Category, cannot be said that the respondents on their own, excluded the petitioner from the zone of consideration in the category of eligible sports person while considering the claim of the petitioner. The petitioner has been considered in the reserved category of schedule caste as per the amended application form and as per the respondents, the petitioner has not been able to secure enough marks to be selected in the said category.

8. Learned counsel for the petitioner submits that the petitioner being a matriculate, did not understand the niceties of filling up the application form in pursuance to the public notice dated 26.02.2024 hence, the claim of the petitioner for consideration is covered by the

decision of the Division Bench in LPA No. 385 of 2017 titled as ***Kiran Bala Vs. State of Haryana and others***, decided on 23.01.2023, wherein, it has been held that any inadvertent mistake in the application form submitted due to the mistake of the operator in the Cyber Cafe, should not cause prejudice the candidate.

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

10. In the present case, it may be noticed that the initial application form which the petitioner submitted, was with due diligence though the same was submitted through the Cyber Cafe, if in the initial stage, petitioner mentioned the category of eligible sports person, the same diligence should have been used while amending the said information. The petitioner cannot claim that he did not knew what the Cyber Cafe Operator was doing for him. Before submitting the amended application, petitioner was requested to go through the contents of the application form. All the blame being given to the operator of the Cyber cafe cannot be accepted.

11. In the present case, the judgment in ***Kiran Bala (supra)***, will not be applicable as, the petitioner chose to amend the information, which he had already submitted through the Cyber Cafe, wherein, he concededly did not mention to be considered under the sub category of Eligible Sports Person, though initial application form submitted through the Cyber cafe included all the information qua the category of eligible sports person.

12. That being so, the petitioner cannot allege that he has wrongly been ousted from the zone of consideration as, the claim of the petitioner has been considered in pursuance to his amended application form, which the petitioner submitted in pursuance to the public notice dated 26.02.2024 in which the petitioner chose not to mention his sub category of Eligible Sports Person.

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

March 20th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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