

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-777-2013(O&M)
Date of decision:23.02.2024**

Satvir

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Inayat Khullar, Advocate, for the petitioner

Mr. Charanpreet Singh, AAG, Punjab

Mr. Shekhar Verma and

Mr. Maninee Lidoo, Advocates for respondent No.2

AMAN CHAUDHARY, J.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ for quashing the order dated 08.10.2012, Annexure P-8, rejecting the claim of the petitioner for appointment against the post of Science Master in the Scheduled Caste (R&O) category and subsequently, grant him appointment.

2. Learned counsel would contend that the petitioner, inadvertently submitted the application form pursuant to an advertisement under the category of SC (Majbi & Balmiki), whereas he belonged to SC (Ramdasiya and others). He, having scored 15.25 marks, which is more than the cut-off for the latter category, should be appointed as Science Master. To buttress his submission, reliance is placed on LPA-320-2019, **Haryana Staff Selection Commission through its Secretary vs. Sarla and others**, decided on 22.02.2019.

3. Per contra, learned State counsel and learned counsel for respondent No.2, in one breath would submit that in the advertisement, a condition was

mentioned that for correcting the mistakes in the application form a limited period was provided, but the petitioner did not do so, thus, the present petition is liable to be dismissed.

4. Heard learned counsel for the parties.

5. It is apposite to first refer to condition No.4 as incorporated in the advertisement, which reads thus:

“If by mistake the candidate has filled in wrong data, he/she can correct the data from 23-11-2010 to 10-12-2010 up to 17.00 hrs. by entering his/her registration number and password. Henceforth no editing will be done and thereafter data will be locked and no change will be acceptable/ allowed.”

6. As is evident that sufficient time and opportunity were granted to rectify any mistake that might have occurred while submitting the form, which the candidate ought to have availed of.

7. Pertinently, the petitioner in instant case had been issued the admit card mentioning his category as SC (M&B) and thereafter even wrote the examination, wherein on having failed to find a place in the merit list by securing 15.25 marks, he, during the counselling, for the first time raked up this claim, instead of at the threshold of the selection process. Had that been the case, he could not have been attributed any motive or craftiness.

8. A candidate necessarily must bear the consequences of his actions, be it while filling up of the application form. Any mistake therein is akin to a self-goal. Remaining vigilant is yet another attribute to be possessed by him. The stage at which an issue of such kind can be raised, is of paramount importance.

9. A worthwhile reference can be made to **J&K Public Service Commission vs. Israr Ahmad**, (2005) 12 SCC 498, wherein it was held that a candidate could not be allowed to change his category at a later stage. Following the said dictum of law, this Court in **Shashi vs. State of Haryana and others**, CWP-15119-2016, dated 22.05.2018 and **Vinay Sharma vs. State of Haryana**

and others, CWP-21872-2018, decided on 22.05.2020, did not permit the petitioners therein to change their categories, once the form was submitted.

10. The reliance on the judgment in the case of **Sarla and others** (supra), is misplaced in as much as, unlike in the present case, the form therein was filled by a third party, there was no condition incorporated in the advertisement and even the representation was submitted prior to the conducting of written examination.

11. In light of the afore-referred judicial pronouncements and on a conspectus evaluation of the peculiar facts and circumstances of the case, the present petition is found to be sans merit and hereby dismissed.

(AMAN CHAUDHARY)
JUDGE

23.02.2024
geeta/ashok

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No