

214

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

CWP-27450-2018

Date of Decision: 27.02.2024

MUKESH

...Petitioner

Vs.

HARYANA STAFF SELECTION COMMISSION PANCHKULA

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present writ petition, the grievance being raised by the petitioner is that she competed for the post of Supervisor (female) as advertised vide advertisement No.7/2016 under category No.17 dated 30.12.2016, copy of which has been appended as Annexure P-1.

2. Learned counsel for the petitioner submits that while filing the form, though the petitioner wanted to compete in the reserve category of BCB but, inadvertently, while filing the form, the petitioner mentioned her category as General category. Learned counsel for the petitioner further submits that after realizing the said mistake, the petitioner approached the respondent so as to change her category, which request was not accepted, hence, the petitioner has approached his Court by way of present writ petition so as to direct the respondent that the petitioner be treated a candidate of Reserve Category of BCB for the post of Supervisor (female) as advertised vide advertisement Annexure P-1.

3. Learned counsel for the respondent submits that the selection process is over in the year 2018. All the posts advertised have already been filled up. Learned counsel for the respondents further submits that even the posts in the BCB category have already been filled up and no selected/appointed candidate has been impleaded as party so as to raise a claim for appointment under the Reserve Category (BCB). He further submits that as per the advertisement, once an application has been filed, no change of category was allowed and therefore, the prayer of the petitioner for change of the category from General to BCB cannot be allowed.

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

5. It is a settled principle of law that the terms and conditions of the advertisement are sacrosanct. As per the terms and conditions of the present advertisement (Annexure P-1), it was duly mentioned that the candidate should fill up the form with the due diligence and no change in the application form will be allowed after the submission of the same. The relevant paragraph of the advertisement is as under:

7. "Candidates are advised to fill their application form carefully such as Name, Father's name, Date of Birth and Category, Qualification, photo and Signature etc. After final submission of application form, no change will be allowed. Candidate will be responsible for any mistake in the date of application form and no any correspondence will be entertained in this regard.

6. Once, there was no change allowed to be undertaken in respect of any application form submitted, the prayer of the petitioner if accepted,

will amount to the change of the terms and conditions which is not permissible.

7. Even otherwise, the number of post available in the Reserve Category of BCB *qua* the post in question, have already been filled up and the candidates are already working and no one has been impleaded as a party. In case, the prayer of the petitioner is allowed, one candidate who has been selected and appointed in the BCB category for the post of Supervisor (female) will have to make a way for the petitioner and in the absence of any such candidate as a party, no order can be passed.

8. Keeping in view the above, no ground for any interference is made out in the present petition. The writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
(JUDGE)

27.02.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No