



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218)

CWP No. 29792 of 2018
Date of Decision : 08.05.2024

Bhawna

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kapil Rana, Advocate for
Mr. Vijay Pratap Singh, Advocate for the petitioner.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the claim of the petitioner is that the petitioner has wrongly been ousted from the zone of consideration for appointment to the post of Clerk as advertised vide Advertisement No. 10/2015.
2. The petitioner applied for the post in question in the reserved category of BC-B and was issued the Roll Number in the said category. The petitioner appeared in the written examination and thereafter, was called for scrutiny of the documents, wherein, the petitioner was declared ineligible on the ground that no supporting document so as to prove that the petitioner belongs to the reserved category of BC-B had been attached



with the application form, hence, candidature of the petitioner was cancelled, which action of the respondents has been challenged in the present petition.

3. Learned counsel for the petitioner submits that while filling the application form for the post in question, inadvertently, the petitioner instead of filling her Category as BC-A, filled the Category as BC-B, which should be corrected and petitioner be considered for the post in question in Category BC-A keeping in view the merit obtained by her.

4. Learned counsel for the respondents submits that keeping in view the terms and conditions of the advertisement, no category, once applied, can be changed at any given point of time during the selection or thereafter. Further, the candidates were required to attach a valid certificate so as to claim the benefit of reserved category in which they are applying and in the present case, it is a conceded fact that petitioner applied in the Category of BC-B however, no supporting document to support the said claim was attached, hence, petitioner has rightly been declared ineligible.

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

6. It is a settled principle of law that the terms and conditions of the advertisement are sacrosanct and are to be adhered to by each and every candidate. In this regard, reliance of the judgment of Hon'ble Supreme Court of India in Civil Appeal No. 7677 of 2021 titled as ***The***



State of Bihar and others Vs. Madhu Kant Ranjan and another,

decided on 16.12.2021 can be placed. Relevant paragraph 9 of the said judgment is as under :-

“9. As per the settled proposition of law, a candidate/applicant has to comply with all the conditions/eligibility criteria as per the advertisement before the cut-off date mentioned therein unless extended by the recruiting authority. Also, only those documents, which are submitted alongwith the application form, which are required to be submitted as per the advertisement have to be considered. Therefore, when the respondent No.1 – original writ petitioner did not produce the photocopy of the NCC ‘B’ certificate alongwith the original application as per the advertisement and the same was submitted after a period of three years from the cut-off date and that too after the physical test, he was not entitled to the additional five marks of the NCC ‘B’ certificate. In these circumstances, the Division Bench of the High Court has erred in directing the appellants to appoint the respondent No.1 – original writ petitioner on the post of Constable considering the select list dated 08.09.2007 and allotting five additional marks of NCC ‘B’ certificate.”

It is a conceded position that as per the terms and conditions of the advertisement in question, no category, once, applied can be changed and in the present case, the petitioner has conceded not only the writ petition but during the hearing also that the petitioner had applied in the category of BC-B though, she does not belong to the said category,



hence, once it is a conceded fact that petitioner herself applied under the Category BC-B, no benefit of the said category can be given in the absence of any supporting document attached with the application form.

7. The next contention of the petitioner is that she should be considered in the Category of BC-A though, she had applied in the Category of BC-B. As per the judgment of Hon'ble Supreme Court of India in ***J & K Public Service Commission Vs. Israr Ahmad (2005) 12 SCC 498***, that no candidate can be allowed to change the category once applied. The relevant paragraph of the said judgment is as under :-

“We have considered the rival contentions advanced by both the parties. The contention of the first respondent cannot be accepted as he has not applied for selection as a candidate entitled to get reservation. He did not produce any certificate along with his application. The fact that he has not availed of the benefit for the preliminary examination itself is sufficient to treat him as a candidate not entitled to get reservation. He passed the preliminary examination as a general candidate and at the subsequent stage of the main examination he cannot avail of reservation on the ground that he has successful in getting the required certificate only at a later stage. The nature and status of the candidate who was applying for the selection could not be treated alike and once a candidate has chosen to opt for the category to which he is entitled, he cannot later change the status and make fresh claim. The Division Bench was not correct in holding that as a candidate he had also had the qualification and the production of the certificate at a later stage would make him entitled to seek reservation. Therefore, we set aside the



judgment of the Division Bench and allow the appeal. No costs.”

8. Keeping in view the above, as per the terms and conditions of the advertisement coupled with the judgment of Hon’ble Supreme Court of India in ***Israr Ahmad’s case (supra)***, no candidate can be allowed to change his/her category after the commencement of the selection process, especially when in the present case the selection process for the post in question is already over.

9. No ground is made out for any interference by this Court in the present petition.

10. Dismissed.

May 08, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No