



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CWP-19210-2024
Date of Decision: 21.08.2024

ANKIT ARYA ...Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Brijesh Kumar, Advocate
for the petitioner.

Mr. R. S. Budhwar, Additional A. G., Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the final result of selection, dated 27.07.2024, Annexure P-12, for the post of TGT Science, General category, under Rest of Haryana cadre, pursuant to advertisement no.2 of 2023, Annexure P-1.

2. Learned counsel for the petitioner contends that the petitioner belongs to BCA category, and applied to the competent authority for a certificate to that effect on 15.03.2023. The same could not be issued before the closing date for submission of application form for the post, i.e., 20.03.2023, and the petitioner had to appear as a General category candidate. Since he belongs to the BCA category and a valid certificate has also been issued to him now, he should be considered for selection under BCA category on that basis.



3. Learned State counsel, appearing on advance notice, contends that the advertisement in question was published on 21.02.2023, but the petitioner applied for BCA certificate on 15.03.2023, just before the closing date. Accordingly, his *bona fides* are not established. Besides, he knowingly applied as a General category candidate by filling up the application form, and his candidature was so considered. As per final result of selection, he could not be recommended for appointment being lower in merit. At this stage, change of category cannot be allowed as the selected candidates have been given appointments also. In similar circumstances, this Court has already dismissed another petition, vide order dated 05.08.2024, in CWP-18628-2024 titled *Nisha v. State of Haryana and others*.

4. In view of the undisputed facts that the petitioner had applied for the post and participated in the selection process as a General category candidate, he cannot be allowed to change his category to BCA on the basis of a certificate subsequently issued. In this regard a reference can be made to the view taken in *Nisha* case:

3. It is apparent on record that the petitioner filled up the application form dated 15.03.2023, Annexure P-5, as a General category candidate, and was issued roll no./admit card dated 12.04.2023, Annexure P-7, for appearing in the written examination, slated for 14.05.2023, as a General category candidate. She never objected to the same, and participated in the selection process as a General category candidate. The result of selection was declared on 27.07.2024, and she was not selected. The appointments have (already) been given to the selected candidates. In this situation, now the petitioner cannot be allowed



to turn around and claim eligibility under BC-A category, as she never applied under the same.

5. In view thereof, there is no ground to entertain the petition, and it stands dismissed in *limine*.

(TRIBHUVAN DAHIYA)
JUDGE

21.08.2024
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>