



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107-A

CWP-19603-2024

Date of Decision: 18.09.2024

MANJU

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Jasbir Mor, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana, on advance notice.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing condition 9.5 of advertisement 02/2023, dated 21.02.2023, requiring the candidates to submit fresh/latest Backward Class certificate in terms of Government instructions, dated 22.03.2022, along with application form.

2. Learned counsel for the petitioner contends that the petitioner belongs to BC-A category and wished to apply for the post of TGT Science in response to the aforementioned advertisement. She applied for a latest BC-A certificate on 13.03.2023, as is apparent from the receipt, Annexure P-6. This was prior to the closing date for submission of application form, i.e., 15.03.2023, extended to 20.03.2023. Although the certificate dated 13.03.2023, Annexure P-8, was issued in response thereto, it was delivered to her only on 08.04.2023. Accordingly, she could not submit her application for the post as BC-A category candidate. He also contends that at the time of documents verification on 21.07.2023, the petitioner submitted her old as well as new BC-A certificates to the Commission, and made a request to be considered as a BC-A category candidate. Despite positive assurance given by the officials concerned, it was not done. Therefore, she deserves consideration under the reserved category. Lastly, he contends that the petitioner is similarly



placed as petitioners in CWP-15843-2023 titled *Seema Rani and others v. Haryana Staff Selection Commission and others*, which is pending adjudication and, therefore, the instant petition should also be entertained.

3. Heard.

4. As per facts apparent on record, the petitioner applied for the post of TGT Science by filling up application form dated 15.03.2023, Annexure P-7, as a General category candidate, though she mentioned her caste as *Lohar* therein. It is, however, undisputed that she participated in the entire selection process as a General category candidate. Only after being declared unsuccessful in the final result dated 27.07.2024, did she choose to file the instant petition seeking consideration as BC-A category candidate which cannot be permitted. She cannot be allowed to turn around and seek consideration in a category under which she never applied. She is stopped from seeking a change of category after participating in the selection process and remaining unsuccessful.

5. Besides, the issue already stands decided by this Court against the petitioner in CWP-18628-2024 titled *Nisha v. State of Haryana and others*, holding as under:

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 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.

6. The contention of learned counsel that the petitioner is similar placed as the petitioners in *Seema Rani* case and, therefore, the instant petition should also be entertained, is without substance. In *Seema Rani* case, the petitioners approached this Court during the process of selection. It was pleaded that they belonged to different reserved categories, and had applied for latest class/caste certificates soon after issuance of the advertisement. The latest certificates were not issued by the competent authority before the closing date, and per force, they had to apply for the post as General category candidates. However, before verification of documents by the Commission, they approached this Court seeking consideration as reserved category candidates on the basis of certificates later issued. In these circumstances, their petition was entertained and the Commission was directed to provisionally consider their candidature under the reserved categories also on the basis of latest class/caste certificates. The petitioner herein is not similarly placed, since she participated in the selection process as General category candidate without demur. Despite being in possession of latest Backward Class certificate, she never sought consideration under the reserved category till announcement of final selection result declaring her unsuccessful. Accordingly, she cannot draw parallels to *Seema Rani* case.

7. In view of the reasons recorded above, there is no merit in the petition and it stands dismissed in *limine*.

(TRIBHUVAN DAHIYA)
JUDGE

18.09.2024
Ad

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