

2024:PHHC:108255



122

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

**CWP-20187-2024 (O&M)
Date of decision : 22.08.2024**

Tinku

...Petitioner(s)

Versus

Haryana Staff Selection Commission

...Respondent(s)

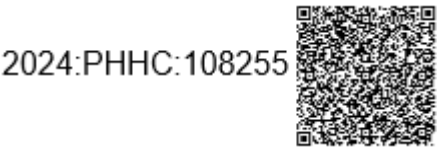
CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Balwan Singh, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution, *inter alia*, for directing the respondent to consider the candidature of petitioner under EWS Category for the post of Male Constable (General Duty) in pursuance of the advertisement Nos.1/2024 & 06/2024 (P-2 & P-3, respectively); and allow him to participate in the Physical Measurement Test.

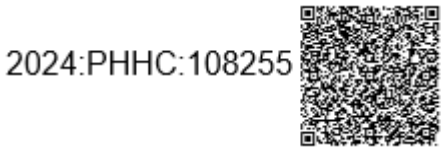
2. Contends that in pursuance of Advertisement No.01/2024, petitioner applied for the post of Male Constable (General Duty) under the EWS category vide application dated 15.03.2024 (P-1). However, the respondent issued a fresh advertisement No.06/2024 on 28.06.2024, while mentioning that candidates who had applied earlier in pursuance of the Advertisement No.01/2024, will also have to re-submit their



application form. Further contends that while filling up the application form on 09.07.2024 (P-4), in pursuance to Advertisement No.06/2024, the category of petitioner was automatically changed by the respondents from EWS to General and there was no option to select the EWS category. Further contends that candidature of the petitioner has been rejected on the ground of “Overage in General Category” vide public notice dated 03.08.2024 (P-5) without any fault on the part of petitioner.

3. Heard learned counsel for the petitioner and perused the paper-book.
4. Before proceeding further, it would be relevant to refer the relevant column of the application form (P-4) filled up by the petitioner and which reads as under:-

Registration Details			
Category	General	Are you an Ex-Serviceman Or Dependent of Ex-Serviceman of Haryana and neither you nor any of your family member has already secured employment in civil service on regular basis in any Department/ Board/Corporation/ University etc. under the State Government with availing the benefit of Reservation	N
Do you have any of A,B,C level NCC Certificate?		N	



5. Perusal of above extract clearly reveals that petitioner applied for the post in question under General Category and by no stretch of imagination, he could be considered under the EWS category.
6. Although, there is no formal notice of motion in this case, however, Mr. Kiran Pal Singh, learned AAG, Haryana, on instructions from the quarter concerned, has apprised the Court that Physical Measurement Test of the eligible candidates has already been completed.
7. In view of the above, this Court is not inclined to entertain the petition.
8. Consequently, the same is dismissed.

Pending application(s), if any, shall also stand disposed off.

22.08.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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