



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-23451-2024
Date of Decision:16.09.2024

YOGESH KUMAR

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Dr. Pankaj Nanhera, Advocate and
Mr. Pradeep Duhan, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to revise the final result of selection for the post of TGT Science under Rest of Haryana and Mewat cadre, dated 27.07.2024, in response to advertisement 02 of 2023, dated 21.02.2023, to the extent petitioner's candidature has not been considered under BC-A category.

2. Learned counsel for the petitioner contends that the petitioner belongs to BC-A category, he has also been issued a certificate to that effect dated 15.10.2009, Annexure P-3. However, in terms of the advertisement, he was required to submit a latest caste certificate before the closing date, i.e., 15.03.2023, extended to 20.03.2023. His application to get the same was rejected on the ground that his father's name did not match in the supporting documents submitted for issuing the caste certificate, as apparent from a screenshot, Annexure P-5, dated 30.07.2023. In these circumstances, the petitioner had no option but to apply as a General category candidate, though he belonged to a Backward Class. He mentioned his caste in the application



form. Therefore, the Commission was required to consider his candidature under BC-A category, not doing so is anarchic and violation of law. The petitioner's helplessness should have been taken into account by the Commission while considering his candidature.

3. Learned State counsel, on instructions, contends that the petitioner applied for the post as a General category candidate, and participated in the selection process as such. Even during the scrutiny/verification of documents held on 24.07.2023, he submitted the scrutiny form as a General category candidate under his signature. His candidature was, accordingly, considered, and as per the final selection result, dated 27.07.2024, he was not found meritorious enough to be recommended for appointment.

4. Heard.

5. It is apparent on record that the petitioner applied for the post as a General category candidate, and was duly considered as such by the Commission. Only after being declared unsuccessful in the selection, as per result dated 27.07.2024, he took the plea of non-consideration under BC-A category, issued a legal notice for the purpose on 02.08.2024, and thereupon filed the instant petition. The plea appears to be an afterthought, on being declared unsuccessful. After participating in the selection process as a General category candidate, he cannot be allowed to turn around and seek a change in category and/or consideration as a BC-A category candidate. The issue already stands decided against the petitioner by this Court 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. Further, the argument advanced by learned counsel for the petitioner that a latest BC-A category certificate could not be issued to him only due to mis-match of a parent's name in a supporting document for which he was not to be blamed, nor could he be denied consideration on that account, is without any substance and in bad faith. The petitioner did not even apply for the said certificate before the closing date; his application for the purpose is dated 30.07.2023, that is, after the closing date for submission of applications, i.e., 20.03.2023. Even rejection of this application for the latest certificate was never challenged by him before any authority. Invoking extraordinary jurisdiction of this Court in these circumstances, that too by blaming the authorities concerned for non-consideration under BC-A category, is highly unbecoming on the petitioner's part. The Commission cannot be blamed for the circumstances the petitioner finds himself in. The contention by the learned counsel that his non-consideration as such is anarchic, is *ex facie* fallacious and stands rejected. As per law, a person's candidature is to be considered in the category he/she has applied under, as



per conditions laid down in the advertisement on the basis of documents submitted. Accordingly, no exception can be taken to the Commission’s action.

7. In view thereof, there is no merit in the petition and it stands dismissed in *limine*.

(TRIBHUVAN DAHIYA)
JUDGE

16.09.2024
Ad

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