



LPA-2531-2024 (O&M)

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

Sr. No.112

LPA-2531-2024 (O&M)

Date of decision: 19.10.2024

Ankit Arya

....Appellant

Versus

State of Haryana and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Brijesh Kumar, Advocate and
Mr. Virender Rana, Advocate
for the appellant.

* * *

DEEPAK SIBAL, J. (Oral)

1. Through advertisement dated 21.02.2023 the Haryana Staff Selection Commission (for short – the Commission) invited applications for appointment to several posts including 1297 posts of Trained Graduate Teacher (Science) (for short – TGT Science). Out of the advertised posts, 182 posts were reserved for members belonging to the Backward Class A Category (for short – BC-A category) and 466 were meant for the General Category. The last date to apply was 20.03.2023. As per Clause 9.5 of the advertisement, a candidate could apply under the BC-A category only on the basis of a certificate issued in terms of the instructions of the Haryana Government dated 22.03.2022. Note 3 (at internal page 20 of the advertisement) further provided that claim for reservation was admissible only to those candidates who upload, alongwith their applications, valid

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original certificates in support of their claim.

2. On 15.03.2023, the appellant applied for consideration for his candidature for appointment as TGT (Science). He applied under the General Category. On 29.04.2023, he sat in the written test and that too as a candidate belonging to the General Category. On 27.07.2024 the final select list was displayed in which the appellant figured in the General Category and since the last person selected and appointed under the General Category had admittedly secured more marks than the appellant he was denied appointment. Thereafter, the appellant knocked the doors of this Court seeking consideration of his candidature under the BC-A Category on the ground that he had applied to the State Government for a copy of the BC-A Certificate on 15.03.2023 but since the State had delayed the supplying of the certificate to the appellant he could not be made to suffer for the same. Through the impugned judgment, the learned Single Judge has rejected the appellant's claim on the ground that the appellant could not be allowed to change his category on the basis of a certificate subsequently issued. Such judgment of the learned Single Judge is the subject matter of challenge through the instant intra court appeal.

3. Learned counsel for the appellant has been heard.

4. Clause 9.5 and Note 3 of the advertisement under which the appellant was an applicant are relevant and are therefore reproduced below for ready reference:-

Clause 9.5 (at page 14 of the Advertisement)

Clause 9.5:- The candidates belonging to BC-A/BC-B categories are directed to obtain the fresh/latest BC-A

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or BC-B certificate as the case may be as per Haryana Government instruction issued vide no.22/132/2013-1GS-III, dated 22.03.2022 for the year 2022-2023. OBC certificate issued for jobs in Central Govt. will not be considered irrespective of income mentioned in certificate.

Note 3 (at page 20 of the Advertisement)

Note-3:- Claim of reservation etc., if any, shall be admissible to those candidate only, who upload the requisite valid original certificate along with their application in support of their claim and of Haryana domicile.

5. As per the afore reproduced Clause 9.5 of the advertisement, for a candidate to be considered under the BC-A category he was required to obtain a BC-A certificate in terms of the Instructions of the Haryana Government dated 22.03.2022 and that as per Note-3, the claim for reservation was admissible only to those candidates who upload the requisite valid original certificates along with their application in support of their claim.

6. Admittedly, the appellant, who now seeks consideration of his candidature under the BC-A category, did not apply under the BC-A category. In fact, he applied under the General Category and that along with his application, he also did not upload the BC-A certificate issued to him in terms of the instructions of the Haryana Government dated 22.03.2022. He also appeared in the written test as a candidate belonging to General Category and that in the final select list drawn by the Commission the name of the appellant also figured as a candidate belonging to the General



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Category.

7. After he had taken part in the entire selection process as an applicant under the General Category and that the final selections had also been made, the appellant chose to petition this Court seeking consideration of his candidature under the BC-A category which at this stage, in the light of the afore undisputed facts and the reproduced Clause 9.5 and Note 3 of the advertisement would be clearly impermissible especially when the said Clause and Note of the advertisement remain unchallenged by the appellant.

8. Dismissed.

9. All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

October 19, 2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No