



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

112

LPA-2415-2024 (O&M)
Date of decision: 01.10.2024

Rajinder Kumar

....Appellant

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Sandeep Kumar Tada, Advocate
for the appellant.

DEEPAK SIBAL, J.(ORAL)

1. The present intra Court appeal is directed against the judgment dated 23.08.2024 passed by a learned Single Judge of this Court dismissing the appellant's writ petition filed by him for issuance of directions for consideration of his candidature for appointment as Trained Graduate Teacher (Science) (for short – TGT Science) under the Backward Class A Category (for short – BC-A category).

2. A few relevant facts may be noticed.

3. 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 TGT (Science). Out of the aforesaid advertised posts 466 were meant for the General Category and 182 were reserved for candidates belonging to the BC-A Category. The last



date to apply was 15.03.2023. As per Clause 9.5 of the advertisement candidates applying under the BC-A category were required to apply along with a fresh/latest BC-A certificate issued by the Haryana Government in terms of its Instructions dated 22.03.2022. Note 3 (at internal page 20 of the advertisement) further provided that claim for reservation shall be admissible only to those candidates who upload the requisite valid original certificates along with their applications.

4. The appellant claims to belong to the BC-A category but since prior to the last date fixed for making of the applications he did not have the requisite BC-A certificate issued to him in terms of the Haryana Government Instructions dated 22.03.2022 he applied under the General Category. On 29.04.2023, the appellant then appeared in the written test as a candidate belonging to the General Category and on 28.06.2023 his results were also declared under the General Category. On the basis of the results dated 28.06.2023, the final select list was drawn up on 27.07.2024 on the basis whereof appointments of TGTs (Science) were made.

5. On 30.08.2024, the appellant, armed with a BC-A certificate dated 28.07.2024, issued to him in terms of the Instructions of the Haryana Government dated 22.03.2022, sought consideration of his candidature under the BC-A category but when his request went unanswered, he petitioned this Court. A learned Single Judge dismissed the appellant's petition through the judgment impugned through the instant intra Court appeal.

6. Learned counsel for the appellant has been heard.

7. Through advertisement dated 21.02.2023, the Commission invited applications for appointment to several posts including 1297 posts of TGT (Science). Out of the said advertised posts, 182 were reserved to be



filled up from candidates belonging to the BC-A category and 466 were meant for the General Category. The last date to apply was 15.03.2023. Clause 9.5 and Note 3 (at internal pages 14 and 20 of the advertisement respectively) 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 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.*

8. 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.

9. 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 issued by the Haryana Government dated 22.03.2022. Further, he appeared in the written test as a candidate belonging

to General Category and that his results were also declared under the General Category.

10. 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 now seeks consideration of his candidature under the BC-A category which in the light of the afore undisputed facts and the reproduced Clause and Note of the advertisement is impermissible especially when the said Clause and Note of the advertisement remain unchallenged by the appellant.

11. Dismissed.

12. Pending miscellaneous application(s) shall also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

01.10.2024

Sapna Adhikari

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No