

CWP-29779-2024

2024.PHHC.144185



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

CWP-29779-2024

Date of Decision:05.11.2024

Priya Rani

..Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sunny Singla, Advocate
for the petitioner.

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HARSIMRAN SINGH SETHI, J.(ORAL)

1. In the present petition, grievance being raised by the petitioner is that the petitioner has not been considered in General(Female) category instead of General category, hence the respondents be directed to change the category of the petitioner for the post of Assistant Professor (Mathematics) to General (Female) category instead of General category.
2. Leaned counsel for the petitioner submits that while filing the application form for post in question, the petitioner inadvertently filled her category as General, though the petitioner wanted to participate in General(Female) category, hence the respondents be directed to consider the petitioner in the General(Female) category.
3. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.
4. In the advertisement dated 19.10.2021 (Annexure P-2), bifurcation of posts to be filled up in the various category in the cadre of Assistant Professors (Mathematics), had already been mentioned. The



petitioner was free to chose an appropriate category, in which she wanted to compete before the last date of submission of application forms i.e. 08.11.2021.

5. It is conceded position that the petitioner participated in the General category against the total 19 advertised posts and she has already competed in the said category and once the petitioner was not found within the merit of 19 posts, the claim has been raised for the change of the category to General (Female), wherein 08 posts were reserved, which claim for the change of category is not permissible as per the settled principle of law.

6. As per the judgment of Hon'ble Supreme Court of India in Civil Appeal No. 198 of 2005, titled as J.& K. Public Service Commission vs. Israr Ahmad & Ors., decided on 07.01.2005, it is held that once the category has been filed up, there is no provision to change the category, after competing of a particular post. The category could not be allowed to be changed. The relevant paragraph of J.&K. Public Serice Commission's caes (supra) is as under:-

“6. We have considered the rival contentions advanced by both the parties. The contention of the first respondent cannot be accepted as he has not applied for the selection as a candidate entitled to get reservation. He did not produce any certificate along with his application. The fact that he has not availed the benefit for the preliminary examination itself is sufficient to treat him as a candidate not entitled to get reservation. He passed the preliminary examination as a general candidate and at the subsequent stage of the main examination he cannot avail the the reservation on the ground that he was successful in getting the required certificate only at a later stage. The nature



and status of the candidate who was applying for the selection could only be treated alike and once a candidate has chosen to opt for the category to which he is entitled, he cannot later change the status and make fresh claim. The Division Bench was not correct in holding that as a candidate he had also had the qualification and the production of the certificate at later stage would make him entitled to seek reservation. Therefore, we set aside the judgment of the Division Bench and allow the appeal.

7. Leaned counsel for the petitioner has not been able to rebut that the claim of the petitioner is contrary to the settled principle of law settled by Hon’ble Supreme Court of India in Jammu and Kashmir’s case (supra)

8. No ground for interference by this Court is made out and the present writ petition is accordingly dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

05.11.2024
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1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No