



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

122

CWP-1838-2025

Date of Decision: 23.01.2025

MUKESH

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Pardeep Sharma, 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 second respondent to recommend the petitioner's name for the post of TGT Science under BC-B category in response to advertisement 02/2023, dated 21.02.2023.

2. As per facts on record, the petitioner applied for the post of TGT Science as a General category candidate, and was issued admit card for written examination as such, dated 27.04.2023, Annexure P-7. He appeared in the examination, but remained unsuccessful as per the final result declared on 27.07.2024, Annexure P-8.

3. Learned counsel for the petitioner contends that due to inadvertence the petitioner applied for the post as a General category candidate, though he belongs to the Backward Class-B (BC-B) category, as is evident from the certificate, dated 29.07.2024, Annexure P-5, issued to him by the competent authority in terms of Haryana Government notification dated

16.07.2024. In fact, the application on his behalf was submitted through a



cyber cafe and the operator uploaded his form by wrongly filling up his category as General. He also represented against it to the Commission, vide letter dated 24.03.2023, Annexure P-6, but the representation has not been decided as yet. Therefore, by correcting the *bona fide* mistake his candidature should be considered under BC-B category.

4. Learned State counsel, on the contrary, contends that the petitioner applied for the post as a General category candidate and participated in the selection process as such. Therefore, as per the settled law he cannot be allowed to change his category.

5. Heard.

6. It remains undisputed on record that the petitioner applied for the post as a General category candidate and participated in the selection process also on that basis. Only after remaining unsuccessful, he has filed the instant petition seeking change of category from General/Unreserved to BC-B, which is impermissible as he is estopped from taking an about-turn and seek consideration as a reserved category candidate. The plea that the application form on his behalf was submitted by a cyber cafe operator also does not afford any ground to seek change of category. Firstly, there is no document or material on record to even *prima facie* indicate that the form was filled by any cyber cafe operator, even a photocopy of the application form has not been placed on record to show the fact. Besides, the representation said to have been submitted by him on 24.03.2023, which has statedly not been decided by the Commission, can also not be a ground to allow change of category since he never agitated his rights in that regard and willingly participated in the selection process as a General category candidate. At this stage, when the final selection result has been declared and appointments have also been given

to the selected candidates, it is too late in the day to seek change of category.
This view has already been taken by this Court in CWP-18628-2024 titled *Nisha v. State of Haryana and others*, decided on 05.08.2024.

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

(TRIBHUVAN DAHIYA)
JUDGE

23.01.2025
Ad

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