



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

Sr. No.119

CWP-3580-2025

Date of Decision: 07.02.2025

Rajesh Maan

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Jasbir Mor, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to correct the petitioner's category from General to Economically Weaker Section (EWS) for the post of TGT Physical Education in response to advertisement 2/2023, and consider him for selection and appointment as such.

2. Learned counsel contends that the petitioner belongs to EWS category, as apparent from the certificate, dated 30.06.2022, valid for the year 2022-23, Annexure P-1. However, due to inadvertence he could not apply for the post under EWS category and filled-up the form as a General category candidate. He was so considered, but could not be selected as per the final result announced on 27.07.2024. Realising the mistake, he represented to the Commission vide application dated 06.04.2023, Annexure P-6, much before the commencement of written test which was held on



fide mistake on his part and should be corrected as he has secured more marks than the last recommended candidate in Mewat cadre under EWS category, and deserves to be recommended accordingly. In this regard, learned counsel has placed reliance upon a Division Bench judgment of this Court in *Usha Dhillon v. State of Haryana and others*, 2014 (27) S.C.T. 407.

3. As per facts apparent on record, the petitioner submitted application form for the post of TGT Physical Education in response to the aforementioned advertisement as a General category candidate, and was so considered by the Commission. On remaining unsuccessful as per the final result announced on 27.07.2024, he has approached this Court after about seven months therefrom seeking change of category from General to EWS on the basis of a certificate dated 30.06.2022, issued to him prior to the cut-off date. After participating in the selection process as a General category candidate, the petitioner cannot be allowed to change his category and seek consideration under the reserved category for which he was not an applicant. Merely because he made a representation earlier, that would not give him a cause to seek change of category and file a petition for the purpose. Similar view has already been taken by this Court in CWP No.18628 of 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.

4. The reliance placed by learned counsel for the petitioner on *Usha Dhillon* case (*supra*) is also misplaced, since the Division Bench was dealing with altogether distinct factual situation. The petitioner therein had applied under Ex-servicemen (ESM) category on 29.09.2014, well before the last date of submitting the application forms, 18.10.2014. However, when she took a print out, she was shocked to notice that the category against which the application had been accepted was Special Backward Class (SBC). She immediately approached the Commission on the same day, i.e., 29.09.2014, and apprised them about the problem. She also submitted a formal application, dated 01.10.2014, requesting that her candidature should be considered under ESM category. Accordingly, it was a case where the application had been uploaded and the representation for correction of category was made prior to the closing date for submitting of forms and, more importantly, it was the Commission which mistakenly considered her application under SBC category, though she had applied under ESM category. Therefore, it was held that the application form could not have been rejected at the threshold by taking a hyper-technical objection, and a direction was issued to consider the petitioner under ESM category. However, the petitioner in the instant case on her own applied under General category and willingly participated in the entire selection process as such. She never sought change of category before the closing date.



5. In view of the discussion above, there is no ground to entertain the petition, and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

07.02.2025
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No