



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

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CWP-9665-2019 (O & M)
Date of Decision: 27.01.2025

Kapil Chauhan

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Saurabh Mohunta, DAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking direction to respondents to consider him under Economically Backward Persons in General Category (EBPGC).

2. The petitioner pursuant to Advertisement No.8 of 2015 dated 19.07.2015 applied for the post of Male Constable (General Duty). The advertisement was issued by Haryana Staff Selection Commission for posts with Haryana Police. The petitioner applied under Special Backward Class (SBC) category. He was eligible under SBC or EBPGC category. He could not apply under both the categories because both were mutually exclusive. Prior to declaration of final result, in view of judgments of this Court, the respondent abolished SBC and converted all the seats reserved for SBC into general category. The petitioner was considered under general category.



3. Mr. Mor relying upon judgment of Supreme Court in *Haryana Staff Selection Commission vs. Subhash Chand and others, 2024 SCC OnLine SC 138* submits that respondent was bound to permit him to switch over in EBPGC category because he was eligible under said category after abolition of SBC. He at the earliest had submitted certificate of EBPGC.
4. Mr. Mohunta expresses his inability to controvert applicability of afore-cited judgment of Supreme Court, however, submits that the petitioner was bound to submit EBPGC certificate of relevant assessment year. The Haryana Staff Selection Commission would reconsider claim of petitioner if he submits EBPGC certificate of relevant assessment year.
5. Mr. Mor agrees with the aforesaid arrangement.
6. In the wake of judgment of Supreme Court in *Subhash Chand (supra)* and statement of both sides, the petition stands disposed of with a direction to respondents to reconsider claim of the petitioner. The needful shall be done within one month from today. The petitioner at the first instance would appear before Chairman, Haryana Staff Selection Commission alongwith requisite documents on 31.01.2025.
7. Pending application, if any, shall also stand disposed of.

27.01.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No