



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-14696-2022 (O&M)
Date of decision: 10.02.2025

Anita Yadav ...Petitioner

VERSUS

State of Haryana and others ...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Mukesh Yadav, Advocate for the petitioner.
Mr. Krishan Kumar Chahal, Addl. AG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenging the corrigendum issued by the respondents dated 04.04.2022 whereby the break-up for the posts of Category No.85 Craft Instructor (women) Dress Making (Practical) to the advt. No.12/2019 have been changed and the vacancies reduced, the petitioner has approached this Court.
2. Learned counsel appearing on behalf of the petitioner contends that respondent No.2-Haryana Staff Selection Commission had published advt. No.12/2019 for inviting applications for various posts under different categories on 20.07.2019 but details are only being tabulated for the post which is subject matter of the *lis*. The break-up of the post for Craft Instructor (Women) Dress Making (Practical) is tabulated as under:-

Category	Total	Non ESM/ESP	ESM	ESP
General	4	3	1	-
SC	5	3	1	1
BCA	2	1	1	-
BCB	2	1	1	-



EWS	1	1	-	-
Total	14			

3. He further submits that the petitioner belongs to BCB-ESM Category and had submitted her application for the said post. Upon verification of the qualification and eligibility conditions, Roll No.1219001167 had been issued to the petitioner. All the candidates were called for appearing in the written examination to be held on 11.12.2021, which the petitioner successfully cleared as per the result declared on 26.02.2022. Thereafter, the petitioner and other successful candidates were called for scrutiny of documents and in compliance of the same, the petitioner also participated in the document verification which were also found to be correct. However, notwithstanding completion of the entire process, the respondents delayed the declaration of the final result and prior thereto, a corrigendum dated 04.04.2022 was issued wherein the number of posts were reduced from 14 to 10 wherein the post advertised for BCB-ESM category was deleted. He submits that the respondents could not issue a corrigendum after the written examination had already been concluded and only the final result was left to be declared. Reduction in the number of posts by way of the corrigendum has thus caused a prejudice to the petitioner.

4. Learned counsel appearing on behalf of the respondent-State on the other hand refers to the written statement filed by the Deputy Director (Tech.), Skill Development & Industrial Training Department, Haryana on



behalf of respondent No.3, wherein the factual aspect as regards the initial publication of advertisement as well as the qualification prescribed thereunder alongwith the subsequent corrigendum are not in dispute. It is submitted that the petitioner had been working as Dress Making Instructor under ESM (BCB) category in Government ITI (Women), Mahendergarh on contract basis since 11.01.2017. Through an online portal, the respondent-Department had sent a demand for 19 posts of Craft Instructor (Women) on 12.07.2019 and a demand for 14 posts of Craft Instructor (Women) Dress Making Trade ITI/CTI (Practical) in Category No. 85, out of which one post was reserved for the ESM (BCB) Category. While the process of selection was going on, due to closure of some units in the Dress Making Trade by the training branch of the respondent-Department vide letter No.22271 dated 14.11.2019, the respondent issued a letter No.1046 dated 23.07.2020 to the Commission for reducing the post of Craft Instructor (Women) Dress Making Trade ITI/CTI (Practical) in Category No. 85 from 14 posts to 10 and reducing the selection for Craft Instructor (Women), Dress Making Profession Diploma/Degree (Theory) in Category No.82 from 19 posts to 17. Vide its letter dated 08.03.2022, the respondent-Haryana Staff Selection Commission sought clarification from the Department regarding the the break-up of posts with respect to the advertisement No.12/2019 whereafter the clarification was sent on 21.03.2022. The corrigendum was hence issued thereafter on 04.04.2022 giving the fresh break-up of the posts in Advt. No.12/2019. It is further argued that even though in the original posts that



had been advertised, there was 01 post of ESM(BCB) Category as per the Roster, however, due to closure of the units and the demand being reduced from 14 posts to 10, the Roster point category for ESM (BCB) became unavailable and hence, could not be advertised. A prayer was thus made for dismissal of the writ petition.

5. Reliance is also placed on the short reply filed by the Under Secretary, Haryana Staff Selection Commission, respondent No.2 wherein similar argument has been raised.

6. No replication /rejoinder had been filed by the learned counsel for the petitioner(s) to the specific stands taken by the respondents in written statement and the short reply that have been filed.

7. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents on record.

8. It is a settled position in law that the number of vacancies advertised are tentative and the number of posts to be finally filled-up/become available may vary. A candidate does not get any right for seeking appointment against the number of post(s) earlier advertised, even though such post may not exist upon re-determination of the cadre due to changed circumstances. The respondents, in their reply have specifically stated that the Roster Point of the ESM-BCB Category ceased to exist and that the reduction in post had to be undertaken on account of the interregnum developments i.e. the closure of certain units. Hence, it is not the case where the reduction has been arbitrarily carried out or is alleged to be arbitrary or



mischievous act. Rather, the demand was reduced from 14 posts to 10 due to closure of certain units in 2019-20 for which a communication was sent to the respondent-Commission on 23.07.2020. The publication of the said corrigendum was delayed on account of certain clarification sought by the Commission. A mere delay in publication of the corrigendum would hence not create any right in favour of the petitioner to claim appointment against a post reserved for a specific Roster Point even when, when such Roster Point does not even survive.

9. Learned counsel appearing on behalf of the petitioner has not referred any judgment on the basis whereof it can be held that the respondent-State has no right to issue a corrigendum to reduce the number of posts that have been initially advertised for any valid reason.

10. To the contrary Hon'ble Supreme Court in the matter of '***Union Public Service Commission Vs. Gaurav Dwivedi and others***' reported as (1999) 5 SCC 180 in para No.6 has held as under:

*"6. Rule 3 of the Civil Services Examination Rules, 1998 states that the number of vacancies to be filled on the result of the examination will be specified in the notice issued by the Commission. In the notice which was issued it was stated, as already noted, that the number of vacancies was only an approximate number which was subject to change. **There is no rule which has been brought to our notice which prohibits the change in the number of vacancies which are once notified.***



Indeed it is not necessary or incumbent upon the Government to fill up all the vacancies which are notified even if candidates have been selected. *It is contended by the learned counsel for the respondent that even though the number of vacancies could be changed, this could only have been done after the candidates had been interviewed on the basis that the number of vacancies was 740. The submission is, if this is not done the candidates will lose one chance.”.*

(emphasis supplied)

11. In view of the above-said authoritative pronouncement, I find that there is no arbitrariness or discrimination in the action of the respondents in reducing the number of posts from the 14 to 10 by considering the intervening circumstances and closure of units.
12. **The present writ petition is hence devoid of merits and the same is accordingly dismissed.**

(VINOD S. BHARDWAJ)
JUDGE

10.02.2025
Mangal Singh

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