



112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.18139-2025
Date of Decision:10.09.2025

Manjit Kaur	...Petitioner
vs.	
State of Punjab and others	...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Hari Chand Arora, Advocate
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present writ petition for issuance of a writ in the nature of certiorari for quashing the speaking order dated 14.02.2025 (Annexure P-10) passed by respondent No.2, whereby the claim of the petitioner for appointment as Ward Attendant in the respondent-department was rejected on the ground that she had mentioned the wrong category in her online application form. It is further prayed that the Open General Category Merit List (Annexure P-5) qua the selection and appointment of respondent No.4 may also be quashed as the petitioner was ranked higher in merit and her candidature could not have been rejected only on the ground of an inadvertent mistake, while filling up the category in the online application form. It is further prayed that the respondent-department will be directed to issue appointment letter to the petitioner for the post Ward Attendant either in General Category or in Scheduled Caste(R & O) category, on the basis of the position of the petitioner in the merit list, on notional basis.



2. Learned counsel for the petitioner contends that the petitioner belongs to Scheduled Caste (R & O) category and was working as Asha Worker since 20.05.2009 at Village Budrukhan under PHC Longowal, Civil Surgeon, District Sangrur. On 04.08.2020, the respondent-department issued an advertisement (Annexure P-1) for filling up 800 posts of Ward Attendant in the State of Punjab and invited online applications for the same. As per the advertisement dated 04.08.2020 (Annexure P-1), the selection on the said posts was to be made through competitive written examination as well as on the basis of marks of experience, which were to be conducted by Baba Farid University of Health Sciences-respondent No.3. The petitioner fulfilled all the educational qualifications and was having the requisite experience as Asha Worker, so she had applied online for the post of Ward Attendant. However, due to heavy rush in the cyber cafe, the petitioner had mentioned her category as Scheduled Castes (M & B), instead of Scheduled Castes (R & O) category. A written examination was conducted and the petitioner had appeared in the test. As per provisional result dated 29.11.2021 (Annexure P-3), the petitioner secured 61 marks, out of 90 marks. However, at the time of checking her result, the petitioner came to know that she had inadvertently filled her sub-category as Scheduled Caste (M & B), instead of Scheduled Caste (R&O). Consequently, her result was shown in the list of the candidates belonging to Scheduled Caste (M & B) category. After declaration of result, the petitioner was called for counseling on 03.12.2021 at Baba Farid University, Faridkot on the basis of marks obtained by her and she had supplied her Scheduled Caste Certificate of (R & O) category and other relevant certificates. Her certificates were verified



and she was granted 10 marks on the basis of her experience as well. Thus, the petitioner secured 99th rank that is much above respondent No.4, who was at 403rd rank, with 68.00 marks, which is apparent from the combined merit list (Annexure P-5). Learned counsel next contends that after the declaration of the final result, the respondent-department issued the order dated 10.05.2022 (Annexure P-6) and called the candidates of different categories for appointment. However, the name of the petitioner was not shown in the general category nor in the reserved category, in spite of the fact that she had secured 99th rank in the combined merit list. Even after this, the respondent-department issued another list of candidates and called them for appointment, but the name of the petitioner was missing in the said list as well. The petitioner also submitted a representation dated 01.06.2022 (Annexure P-7) and also sent a legal notice dated 21.06.2022 (Annexure P-8) for consideration of her case for appointment, but no action was taken by the respondent-department. Learned counsel further contents that as the petitioner had secured 99th rank in the combined merit list prepared by the respondents, she should have been considered for appointment in general category as she had secured more marks than the persons of general category. Still further, she had earlier filed CWP No.17908 of 2022 before this Court, which was disposed of on 30.04.2024 by directing the respondents to decide the claim of the petitioner. However, vide order dated 14.02.2025 (Annexure P-10), her case has been rejected by the respondents illegally. Learned counsel further argued that as per the information received by the petitioner, several posts of Ward Attendant of Scheduled Caste (R & O) category are still lying vacant and the petitioner



should be appointed against such vacant posts or may be considered in the General Category.

3. On the other hand, on advanced notice, Mr. Surya Kumar, Assistant Advocate General, Punjab has appeared on behalf of respondents No.1 and 2 and has referred to the terms of the advertisement dated 04.08.2020 (Annexure P-1). In fact, he specifically referred to the term and condition No.5, which has been reproduced below:-

*“Candidates should select their categories carefully, because candidates belonging to categories other than General Category are entitled to fee concession/exemption, age relaxation and job reservation. **The Category once selected / filled will not be changed under any circumstances.** Candidates shall submit certificates issued by the Competent Authority in support of their claim to a particular category.”*

4. Learned State counsel submits that the petitioner admittedly belongs to Scheduled Caste (R&O) category and she had mentioned her category as Scheduled Caste (M&B). Thus, in view of condition No.5, the candidature of the petitioner has been correctly rejected by the respondents. Learned State counsel further submits that a detailed speaking order dated 14.02.2025 (Annexure P-10) has been passed by respondent No.2, wherein several orders passed by this Court have been mentioned. He further contends that a similar issue came up for consideration before a Coordinate Bench of this Court in CWP No.1721 of 2023 titled as **“Raj Kumar versus State of Punjab”** and this Court held as follows:

“In view of the specific stipulation under clause (5) of the recruitment notice, at this stage, particularly when the selection



process has already been completed for the general category, this Court does not find it appropriate to exercise its writ jurisdiction under Article 226 of the Constitution of India. In such matters, the Court can issue a writ only if the petitioner makes one good case. Though, it may be harsh for the petitioner, however, any interference, at this stage, may result in opening a Pandora box, which would not be in the interest of justice.

With the observations made above, the present writ petition is disposed of.”

5. Similarly another Coordinate Bench in CWP No. 2907 of 2022 titled as **“Bhupinder Singh Vs. State of Punjab and others”** observed as under:-

2. *Learned State counsel has referred to the judgment passed by this Court in “Arashdeep Singh vs. State of Punjab and another”, CWP-17825-2020, decided on 18.10.2024, involving the same issue, as per which the present petition is liable to be dismissed, relevant paras whereof read thus:-*

“It is a conceded fact that as per the application form submitted by the petitioner, he had applied in the General Category and though he wanted to change the category but as per the conditions of the Advertisement, which are sacrosanct, no change can be allowed.

Further, the petitioner appeared in the examination despite the fact that the Roll Number was issued in the General Category and petitioner participated in the selection process under a Roll Number issued in General Category and it is thereafter, the petitioner had filed the present petition for change of his category from “General” to “Backward Class”. In case, the petitioner had come to know that he had filled incorrect category, he should have



approached this Court before the last date to fill the application form to claim the said benefit, which claim was never raised by the petitioner.

*As per the judgment of the Hon'ble Supreme Court of India in "**J&K Public Service Commission Vs. Israr Ahmad and Ors.**", decided on 07.01.2005, category once applied for can be allowed to be changed after participating in the selection process. In the present case, the claim raised by the petitioner is contrary to the settled principle laid down by the Hon'ble Supreme Court of India in "**J & K Public Service Commission Vs. Israr Ahmad and others**" as well as by the Co-ordinate Bench in Gurpreet Singh's case (supra).*

No ground is made out by this Court to interference in the present petition.

Hence, the present petition is dismissed.

6. Thus, he prayed that the petition be dismissed by this Court on the basis of the above referred judgments.

7. After hearing learned counsel for the parties and perusing the record, this Court finds sufficient force in the submissions made by learned State counsel. In fact, two similarly placed candidates, namely, Raj Kumar and Bhupinder Singh, who had applied under the same advertisement dated 04.08.2020 (Annexure P-1) by raising similar arguments approached this Court by way of CWP No. 1721 of 2023 and CWP No. 2907 of 2022 and the said writ petitions were dismissed by Coordinate Benches of this Court, as mentioned above.

8. Still further, a petition involving the issue whether the candidates belonging to reserved category, who had obtained marks higher than the last



selected candidate in unreserved category for those departments, could claim migration to unreserved category, came up for consideration before the Hon'ble Supreme Court of India in the matter of **“Union of India Vs. Sajib Roy” SLP (C) Nos.21392 of 21393 of 2019** and the Hon'ble Supreme Court held as follows:-

“32. On an analysis of the aforecited cases, we summarise as follows:

Whether a reserved candidate who has availed relaxation in fees/upper age limit to participate in open competition with general candidates may be recruited against unreserved seats would depend on the facts of each case. That is to say, in the event there is no embargo in the recruitment rules/employment notification, such reserved candidates who have scored higher than the last selected unreserved candidate shall be entitled to migrate and be recruited against unreserved seats. However, if an embargo is imposed under relevant recruitment rules, such reserved candidates shall not be permitted to migrate to general category seats.

33. Accordingly, we hold as the respondents-writ petitioners had availed concession of age for participating in the recruitment process, in the teeth of office memorandum dated 01.07.1998, the High Court was wrong in applying the ratio in Jitendra Kumar (supra) and permitting them to be considered for appointment in the unreserved category. Consequently, we set aside the common impugned judgment and order dated 12.10.2018 and order dated 26.02.2019 and allow the appeals. Pending application(s) if any, stand disposed of.

9. In the present case also, from a perusal of the terms and conditions of advertisement dated 04.08.2020 (Annexure P-1), it is apparent that the



category once selected/filled by a candidate cannot be changed under any circumstances and such reserved candidates cannot be permitted to migrate to general category seats.

10 In view of the above discussion in the law laid down by the Hon'ble Supreme Court and this Court, the present petition deserves to be dismissed by this Court.

11. Ordered accordingly.

12. Pending application, if any, stands also disposed of.

(N.S.SHEKHAWAT)
JUDGE

10.09.2025
hemlata

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