



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

(221) CWP-29772-2024
Date of Decision : September 03, 2025

Chandigarh Administration and others .. Petitioners

Versus

Pooja and another .. Respondents

(221-A) CWP-30468-2024

Chandigarh Administration and others .. Petitioners

Versus

Pushpendra Kumar Yadav and another .. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Sumeet Jain, Addl. Standing Counsel and
Mr. Himanshu Arora, Advocate, for the petitioners
in both petitions.

Mr. Yashdeep Nain, Advocate, for respondent No.1
in CWP-29772-2024. (joined through VC)

Mr. R.S. Dadwal, Advocate, for
Mr. Sandeep Siwatch, Advocate, for respondent No.1
in CWP-30468-2024.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions involve the same question of law on similar facts.

2. In the present writ petitions, the challenge is to the order dated 11.07.2024 (Annexure P-5) passed by the respondent No.2-Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter



referred to as 'Tribunal') by which, claim of respondent No.1 (in both the writ petitions) for change of their category from 'General' to 'OBC' has been allowed.

3. Certain facts need consideration of this Court, which facts are stated hereinbelow.

4. The respondent No.1 (in both the writ petitions) competed for recruitment to the post of Constable in the Chandigarh Police in pursuance to the advertisement dated 19.12.2015 issued by the Chandigarh Administration in the year 2015. The last date for submitting the application form qua the said post was 31.12.2015. The respondent No.1 (in both the writ petitions) applied for the post of Constable but inadvertently they filled the said application form in the general category instead of OBC. Thereafter, certain representations were received at the hands of respondent No.1 and other candidate that the information submitted while filling the application form was not correct as such the information qua their category was submitted incorrectly and the petitioners allowed the candidates so as to allow to correct the information supplied in the application form but according to the petitioners, the said benefit was only confined to correction of spelling of the name of candidate or the date of birth of such candidate but no change in the category was allowed.

5. The respondent No.1 (in both the writ petitions) applied for the change of their category from General to OBC as the respondent No.1 (in both the petitions) had the OBC certificate to their credit prior to 31.12.2015 which was last date for submitting the application form qua said advertised



posts. They applied for the change of their category which application was never rejected by the petitioners. Ultimately, the claim of the respondent No.1 (in both the writ petitions) for the change of their category was rejected and they were directed to be treated under the general category.

6. Aggrieved against the said action of petitioners, the respondent No.1 (in both the writ petitions) approached the Central Administrative Tribunal for redressal of their said grievance and the Central Administrative Tribunal after appreciating all the facts that petitioners themselves gave a liberty to the candidates to rectify the details submitted in the application form by allowing the applications of candidates for rectification of the details submitted, which opportunity was not given to respondent No.1 (in both the writ petitions) so as to allow them for change of their category from General to OBC hence, the respondents were considered entitled to be considered in the OBC category by the Tribunal especially when, it was established by the respondents that on the last date of submitting the application form, the respondents had their OBC certificate to their credit, direction was given to the petitioners to consider the claim of the respondent candidates under OBC category.

7. The said direction given by the Tribunal to consider the respondent No.1 (in both the writ petitions) in the OBC category for the post of Constable, advertised by U.T. Chandigarh has been challenged.

8. Learned counsel for the petitioners argues that once the last date was given for filing up of the form for the candidature qua post of Constable, which was 31.12.2015, no change in the category could have been allowed



after the said date, which fact has escaped the notice of the Tribunal while granting the relief to the respondents.

9. Learned counsel for the petitioners submits that the change of the category was never allowed to be rectified as per terms of the advertisement and therefore, the order dated 11.07.2024 (Annexure P-8) passed by the Tribunal directing the Chandigarh Administration to consider respondent No.1 (in both the writ petitions) in the reserved category of OBC for the purpose of granting them appointment to post of Constable may kindly be set aside.

10. Learned counsel appearing on behalf of respondent No.1 submits that once, after last date of filling the application form i.e. 31.12.2015, due opportunity was given to the candidates to correct their data in the application form submitted by them and the said change in data has been accepted by the petitioners where there is a request for change of name or date of birth hence, non-grant of the same benefit qua change of category is arbitrary and illegal.

11. Learned counsel for respondent No.1 further submits that once the candidates had been given the opportunity to correct the information submitted by them in the application subsequent to last date of filling the form 31.12.2015, while availing the said opportunity, the change of the category from General to OBC qua respondent No.1 especially when on the last date i.e. 31.12.2015 also, the respondent No.1 (in both the writ petitions) had the certificate declaring them to be falling under OBC category to their credit and hence, were eligible to apply in the said category of OBC, the



benefit given by the Tribunal to change their category from General to OBC is perfectly valid and legal and the writ petitions may kindly be dismissed.

12. We have heard learned counsel for the parties and have gone through the record with their able assistance.

13. Before proceeding to decide the said issue on merits, it may be noticed that learned counsel for the petitioners, on the instructions of Mr. Gurnek Singh, Senior Assistant of concerned Branch has intimated that all the advertised posts of Constable in the OBC category have not been filled up by the petitioners yet and at least two posts of the advertised are still available to be filled up. It shall also be noticed that the respondents are also two in number, who are claiming to be appointed to the said post available in OBC category by way of changing their category from General to OBC.

14. Learned counsel for the petitioners argues that once upto the last date of the filling the application form which was 31.12.2015, the category filled up by the respondent No.1 (in both the writ petitions) was that of General and hence, the same could not have been changed thereafter and therefore, the impugned order dated 11.07.2024 (Annexure P-8) passed by the Tribunal is incorrect.

15. It may be noticed that after 31.12.2015, the candidates were given an opportunity by the petitioners to rectify the data submitted by them in the application form but according to the petitioners, the same was limited only to the extent of correction of the name and date of birth and keeping in view the said aspect, the claim of the respondent No.1 (in both the writ



petitions) that they are entitled to change the category seems to have some force.

16. Once, an opportunity was given by the petitioners themselves to the candidates to change the data submitted by them while filling up the application form, the said opportunity given cannot be restricted as per the whims of the Chandigarh Administration. Once the liberty to change the data submitted while filling the application form was extended, the same has to be applied on all aspects including the change in category as no action qua the representation made by respondent No.1 has been taken by the petitioners upto the said date so as to crystallize the right in favour of the any candidate.

17. Further, it may be noticed that the respondent No.1 (in both the writ petitions) have already competed in the examination for the post in question and are in merit list and are entitled for selection to the said post in the OBC category. It is also a conceded position that on the last date of application form i.e. 31.12.2015, the respondent No.1 (in both the writ petitions) were eligible to compete in OBC category as they had OBC certificate in their credit. Once, the posts in the OBC category as advertised by the respondents are still vacant, denying consideration to the respondent No.1 under the said category will be harsh for the respondents in the facts and circumstances of the present case.

18. Hence, keeping in view the totality of the circumstances that respondent No.1 (in both the writ petitions) were eligible to compete in the category of OBC even on the last date of application form i.e 31.12.2015 and



there is no dispute qua the eligibility of respondent No.1 to compete for post in question under the OBC category, the only objection taken by petitioners denying the benefit to respondent No.1 was that the respondent No.1 (in both the writ petitions) initially applied for the post in the general category but thereafter, raised a claim to change their category to OBC for purpose of selection to said post coupled with the fact that the benefit of changing data was given by the petitioners themselves to the other candidates, the direction given by the Tribunal to consider the claim of the respondent No.1 (in both the writ petitions) by considering them under OBC category cannot be treated as arbitrary or illegal keeping in view the facts and circumstances noticed hereinbefore especially in view of the fact that even as of now, two posts of Constable in the OBC category are still lying vacant out of the total advertised posts.

19. No other argument was raised.

20. Keeping in view the fact that the petitioners were pursuing the present remedy, let the order passed by the Tribunal be complied with within a period of eight weeks from the date of receipt of copy of this order.

21. It may be noticed that as the respondent No.1 (in both the writ petitions) had approached the Tribunal during the selection process for the change of the category, which claim was allowed and as of now, the selection is over, this order granting the relief is being passed in the special circumstances noticed hereinbefore and this order will not be taken as a precedent for allowing everyone to change the category as of now so as to claim benefit.



22. Keeping in view the totality of the circumstances, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

23. Accordingly, the writ petitions are dismissed.

24. A photocopy of this order be placed on the file of other connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

September 03, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No