



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

232

**(1) CWP-8165-2019 (O&M)**

RAVINDER SINGH CHAUDHARY

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**(2) CWP-9323-2019**

BUTA SINGH

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**(3) CWP-5257-2019**

GEETA DEVI

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**(4) CWP-7916-2019**

MANISHA KUMARI

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**(5) CWP-22190-2020 (O&M)**

AJAY KUMAR

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

1.	The date when the judgment is reserved	March 17, 2026
2.	The date when the judgment is pronounced	April 17, 2026
3.	The date when the judgment is uploaded on the website	April 17, 2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Jasbir Mor, Advocate,  
Mr. Vishwas Shira, Advocate and  
Mr. Virendera Gill, Advocate  
for the petitioner(s).

Mr. Aakash Singla, Additional Advocate General, Haryana.

**TRIBHUVAN DAHIYA, J.**

These petitions are being decided together as common questions of law on similar facts arise for consideration. The facts, however, are being noticed from CWP-8165-2019, which has been filed *inter alia* seeking a writ of *certiorari* quashing the notice dated 17.12.2018, Annexure P-9, for not calling the petitioner for interview in Economically Backward Person in General Castes category (for short, 'EBPGC category') for the post of Trained Graduate Teacher (TGT) Physical Education against advertisement 3/2015, dated 28.06.2015. Further, a writ of *mandamus* has been sought directing the respondents to consider him eligible for the said post as EBPGC category candidate.

2. Briefly, the facts of the case are, respondent no.3/Haryana Staff Selection Commission published the aforementioned advertisement inviting applications for the posts of TGTs in different subjects under various reserved categories, including Special Backward Class (for short, 'SBC') and EBPGC categories. The closing date for submission of applications was 21.09.2015, it was extended up to 04.10.2015. The petitioner applied for the post of TGT (Physical Education) as SBC category candidate, for which sixty posts had been advertised. He participated in the selection process as such and was called for scrutiny of documents vide announcement dated 07.09.2017, Annexure P-5. After scrutiny, the Commission shortlisted

candidates twice the number of vacancies/posts, for interview. The petitioner was considered as a General category candidate and could not be shortlisted as he had secured lesser marks as compared to seventy secured by the last shortlisted candidate in the category.

2.1. In the meanwhile, the petitioner had obtained EBPGC category certificate dated 07.08.2017, Annexure P-7, and requested to the Commission to change his category from SBC to EBPGC vide representation dated 23.11.2018. It was not acted upon to his knowledge.

2.2. As per Note 2 appended to the announcement dated 17.12.2018, Annexure P-9, SBC category candidates were considered for selection against unreserved/general vacancies, as the posts had been withheld in view of directions issued by this Court; it reads as under:

2. The result of SBC/BC(C) category has been withheld as per letter no.42/187/2015-5GSI Dated: 25.08.2016 issued by Chief Secretary, Government of Haryana in view of directions of the Hon'ble High Court that no appointments in service shall be made on the basis of the provision of the Haryana Backward Classes (Reservation in services and admissions in educational institutions) Act 2016 to the castes mentioned in schedule-III i.e. Backward Class Block 'C'. The SBC/BC(C) Category candidates, except those who have availed the benefit of age relaxation, have been considered against general vacancies.

Accordingly, the final selection result was declared vide announcement dated 04.01.2019, Annexure P-10. As aforementioned, the petitioner was considered as a General category candidate and remained unsuccessful. Against sixty advertised posts of EBPGC category, only fourteen candidates could be selected and forty-six posts remained vacant.

2.3. Soon after the final result, another representation dated 09.01.2019, Annexure P-11, was submitted by the petitioner for change of his category from SBC to EBPGC but the request was not accepted, leading to filing of the instant petition. In terms of interim order dated 27.03.2019, he was provisionally interviewed and secured eighty-two marks in total as against twenty-two by the last selected candidate under EBPGC category. Later, vide order dated 30.01.2020, one post under EBPGC category was ordered to be kept reserved. In other four petitions also, the petitioners were interviewed in terms of interim orders passed by this Court and secured more marks than those of the last selected candidate under EBPGC category.

2.4. It needs a mention that petitioner in CWP-9323-2019 applied for the post of PGT (Punjabi) and petitioners in CWP-5257-2019 and CWP-7916-2019 applied for the post of PGT (Mathematics) against advertisement 04/2015 as SBC category candidates, and all were considered for selection as General category candidates.

3. In this factual background, learned counsel for the petitioners contended that result for the post under SBC category has been withheld as per announcement dated 17.12.2018, and the petitioners have been considered as General category candidates against unreserved posts. This change took place during the process of selection and after the closing date to apply for the post. Still, they were not given an option to apply for any other reserved category under which they were entitled to, viz., EBPGC. As the decision not to make appointments against SBC posts was conveyed for the first time vide the announcement aforementioned, there was no justification for the respondents not to permit change of category to EBPGC

on the ground that the certificate(s) to that effect had been issued after the closing date for submission of applications. On similar facts, Division Bench of this Court vide judgment dated 24.03.2023, rendered in LPA-1199-2019 titled *Haryana Staff Selection Commission v. Subhash Chand and others*, directed the Commission to consider the candidate therein, who had originally claimed reservation under SBC, under EBPGC category for the post of PGT (Political Science) against the advertisement in question. The judgment was upheld by the Supreme Court in Civil Appeal no.6395/2023.

3.1. Learned counsel further contended that despite the reservation to EBPGC category candidates being under challenge before this Court as well as the Supreme Court, the respondents have given conditional appointments to the candidates belonging to the category. Reference in this regard has been made to office order dated 07.03.2024, Annexure P-26, whereby the candidates for the post of Post Graduate Teacher (PGT) Sanskrit pursuant to advertisement 04/2015 have been appointed subject to final outcome of CWP-18514-2016 titled *Kalindi Vashishtha v. State of Haryana and others*, and CWP-7607-2019 titled *Sunil Rathee and others v. State of Haryana and others*, wherein reservation to the category is under challenge. This has been done on the basis of provisional selection list, dated 12.01.2024, conveyed by the Commission.

4. *Per contra*, learned State counsel contended that the petitioners' claim is not admissible and has rightly been declined by the Commission. They cannot be allowed to change the category after participating in the selection process as General category candidates and remaining unsuccessful. He has referred to Note (i) of the advertisement, which is to

the effect that benefit of reservation will only be given to those BC(B)/EBPGC and other reserved category candidates who submit the required certificate issued by the competent authority at the time of interview. The note reads as under:

- (i) The benefit of reservation will be given only to those SC/BCA/BCB/PHC/SBC/EBPG and ESM and outstanding sportsperson candidates who are domicile of Haryana State. The SC/BCA/BCB/PHC/SBC/EBPG candidates are required to submit SC/BCA/BCB/PHC/SBC/EBPG Certificate duly issued by the competent authority at the time of interview. ...

Accordingly, the petitioners had the opportunity to apply for the post either under SBC or EBPGC category for which the certificate could have been submitted up to the date of interview. But they willingly applied under SBC category, which is clear from their application form(s), and participated in the selection process on that basis. Therefore, change of category cannot be allowed at this stage. Additionally, he contended that certificates for EBPGC category were being issued to the candidates by the competent authorities at the relevant time, based upon which they duly participated in the selection process and were recommended for appointment as well. This is apparent from the final result. Therefore, it could not be said that there was any restrain on issuing such certificates. The petitioner obtained EBPGC category certificate for the first time after the closing date on 07.08.2017, and could not have been so considered on that basis.

4.1. *Secondly*, he contended that SBC posts were withheld in terms of letter issued by the Chief Secretary dated 25.08.2016, following the directions issued by this Court that appointment of SBC/BC(B) candidates in

service was not to be made. The announcement dated 17.12.2018 was issued in terms thereof; however, the petitioners never challenged this letter. On this account also they are not entitled to seek change in category. *Lastly*, learned State counsel submitted that the Government has given conditional appointments only to those EBPGC category candidates who have been selected prior to the interim orders passed by this Court in pending petitions challenging the reservation. Therefore, the office order dated 07.03.2024 cannot be relied upon by the petitioners to claim appointment. The respondents are bound by the statement made by the Advocate General on behalf of the State before the Division Bench in *Sunil Rathee* case, CWP-7607-2019, on 16.05.2019, that “*status quo in respect of appointment in EBPG category shall be maintained by the State as it exists today till the next date of listing i.e. 12.07.2019*”.

5. Submissions made by learned counsel for the parties have been considered.

6. As apparent on record, the petitioners applied for the posts in question under SBC category and had an option to apply under EBPGC category as well. The closing date for submission of applications in response to the advertisements in question was 04.10.2015. Afterwards, the government, vide letter dated 25.08.2016, decided not to appoint SBC category candidates in State service; the decision was taken in terms of directions issued by this Court. This was followed by an announcement dated 17.12.2018, whereby result for the posts under SBC category was withheld and the candidates belonging to the category, including the petitioners, were considered under General category against unreserved

posts. Despite this change having taken place in the midst of selection process after the closing date, the SBC category candidates were not given any option to apply under a different reserved category they were entitled to. And the final selection result was announced by considering such candidates against unreserved posts in terms of the decision/letter dated 25.08.2016. This has caused material prejudice to the candidates like the petitioners, who could have sought consideration under a different category, viz., EBPGC. This refusal of option is inexplicable, and denies level playing field to the candidates. The respondents' attempt to justify the denial on the ground that the petitioners had the option to apply under EBPGC category initially for which the supporting certificates could have been submitted up to the date of interview, is illogical. This availability of option cannot justify the respondents' action in changing the petitioners' category from SBC to General midstream, without providing them the opportunity to apply under any other category. Besides, in case the petitioners initially opted to apply as SBC category candidates, despite being entitled to consideration under EBPGC category also, it cannot denude them of the chance to seek consideration under the latter category in the given circumstances where the category they applied under was excluded from selection while the process was on. In all fairness, the petitioners were required to be given the alternative, and by denying the same the respondents have acted arbitrarily. This is more so when they even made representations before the announcement of final result seeking consideration under EBPGC category. These were on the basis of EBPGC certificates issued by the competent authorities which could not have been rejected on the ground that the same

had been issued after the closing date, since the date was not adhered to by the respondents themselves by withdrawing the SBC category posts from selection and considering such candidates against General category after that date.

7. Similar situation pertaining to the selection in question against advertisement 3/2015 has already been considered by the Division Bench of this Court in *Subhash Chand* case *ibid*. In that case also, the candidate had claimed reservation under SBC though he was eligible to apply under EBPGC category as well. After the Commission decided to withhold the result of SBC posts and consider such candidates against general vacancies in terms of note appended to the announcement dated 17.09.2018, he submitted an EBPGC category certificate dated 05.06.2017 at the time of scrutiny of documents but his candidature was rejected on the ground that the certificate had been issued to him after the closing date to submit the applications. In these circumstances, the Court held that the decision not to consider the SBC candidates was announced after the closing date on 17.09.2018, though the decision had been taken in 2016. Therefore, it was incumbent upon the Commission to inform the fact to the candidates to enable them to apply for selection under a different category. In the absence of any explanation from the Commission as to why it was not done and why the candidates were kept in dark about the decision to withdraw SBC reservation till the announcement dated 17.09.2018, they were not entitled to reject the petitioner's candidature under EBPGC category. The judgment

was upheld by the Supreme Court in Civil Appeal no.6395/2023 vide judgment dated 31.01.2024; it reads as under:

9. The first order of the High Court directing the State Government not to give any employment in the Government service and admission in the educational institutions against the SBC category was passed on 27<sup>th</sup> July, 2015 in CWP No.9132/2015 (Ved Prakash and another vs. State of Haryana and others). A perusal of the said order (Annexure R/5 to the counter affidavit) shows that the State Government was represented by the learned Advocate General when the said order was passed. It is pertinent to note that the advertisement subject matter of controversy was issued on 28<sup>th</sup> June, 2015 and the last date for submitting online applications was 21<sup>st</sup> September, 2015. Obviously, it was the duty of the State Government to instruct the appellant to modify the advertisement and postpone the last date of submission of the online applications. Having full knowledge of the order dated 27<sup>th</sup> July, 2015 of the High Court, the State Government and the appellant took no steps, therefore, the candidates like the first respondent applied under the SBC category quota.

10. Even assuming that the State Government and the appellant overlooked the order dated 27<sup>th</sup> July, 2015 of the High Court, even after noticing the said order, the State Government could have directed the appellant to cancel the process and issue a fresh advertisement. We may note here that though the cut-off date for submitting the online applications was 21<sup>st</sup> September, 2015, the result of the written test was declared nearly three years thereafter on 29<sup>th</sup> August, 2018. It is because of the default on the part of the State Government, the first respondent was prevented from making an application in the EBPGC category. These aspects have been considered by the Division Bench of the High Court in the impugned judgment. In fact, in the impugned judgment, it is noted that the District

Administration started receiving the applications for issuance of EBPGC certificates only when the instructions were issued on 7<sup>th</sup> June, 2017 by the Chief Secretary of the Government of Haryana. Therefore, the finding of fact recorded by the Division Bench is that the first respondent cannot be blamed for claiming reservation under the SBC category quota and for not claiming reservation under the EBPGC category quota. It is in the light of these peculiar facts that the Division Bench has confirmed the judgment of the learned Single Judge. As noted earlier, the learned Single Judge has directed the appointment of the first respondent to be made against one post reserved under the interim order. At this stage, we may note here that the contention of the learned senior counsel appearing for the first respondent is that about 11 seats belonging to the EBPGC category quota earmarked under the same advertisement are still vacant.

11. Considering the fact that the first respondent was placed in a very peculiar position due to the default on the part of the State Government, the learned Single Judge has passed an order for accommodating the first respondent. The order is just and equitable.

Accordingly, the petitioners' right to be considered against the EBPGC category posts cannot be defeated.

8. At this stage, it needs to be considered whether the petitioners can be given appointment as EBPGC category candidates, since an objection has been raised on behalf of the respondents that such appointments are not being made due to an undertaking given on behalf of the State in *Sunil Rathee* case on 16.05.2019. The fact of the matter is that notification dated 27.09.2013, issued by the State Government providing ten per cent vertical reservation to EBPGC category candidates in jobs under

Government/Government undertakings and local bodies as well any educational institutions, is under challenge before this Court in *Kalindi Vashishtha* and connected matters, which includes *Sunil Rathee* case. Initially, vide interim order dated 07.12.2017, passed in those cases, the respondents were restrained from giving effect to the impugned notification. The direction was later modified vide order dated 18.05.2018 holding, “Consequently, keeping in view the fact that selection process had been initiated prior to the passing of the order and some appointments made in part, we deem it appropriate to permit the State-respondents to complete the selection and appointment process but it shall be made clear to all the incumbents who join that the appointments made shall be subject to the outcome of the proceedings which are pending before the Hon’ble Supreme Court.” The statement made by the Advocate General on behalf of the State in *Sunil Rathee* case on 16.05.2019, was to maintain *status quo* with respect to appointments in EBPGC category as it existed on that date till the next date of listing, i.e., 12.07.2019. It has not been contested that there is no order to maintain *status quo* with regard to appointments thereafter. *Sunil Rathee* case was transferred to the Supreme Court vide order dated 23.07.2020, passed in Transfer Petition (Civil) no.2592 of 2019 titled *Sunil Rathee and others v. State of Haryana and others*, and was ordered to be placed before the Bench hearing Civil Appeal nos.9546-49 of 2016 titled *State of Gujarat and others v. Ms Dulari Mahesh Basagre and another etc.*, wherein identical issue of providing reservation of seats in educational institutions and appointments in Government service to Economically Weaker Sections and unreserved category candidates was already under

challenge. These cases have not been finally decided as yet. In this view of the matter, the batch of cases with *Kalindi Vashishtha* case were adjourned *sine die* by the Division Bench vide order dated 17.09.2025.

8.1. Further, it has not been disputed that pursuant to interim order dated 18.05.2018 passed by the Division Bench, the Government has been giving conditional appointments to the candidates under EBPGC category to complete the selection process initiated prior to passing of the interim order dated 07.12.2017, with a specific condition that the same would be subject to final outcome of *Kalindi Vashishtha* and connected matters. One such petition dealing with the issue, CWP-20307-2021 titled *Dharam Pal and others v. State of Haryana and others*, was disposed of vide order dated 10.01.2023, when respondent no.3 - Uttar Haryana Bijli Vitran Nigam (UHBVN) permitted the petitioners therein to join as Shift Attendants under EBPGC category, subject to their furnishing an undertaking in the terms aforementioned. In CWP-14895-2018 titled *Gaurav Gaur v. State of Haryana and others* also, vide judgment dated 21.03.2024, the respondents were directed to complete the process of selection and appointment pertaining to the candidates belonging to EBPGC category, on the statement made by learned State counsel. The relevant paragraph of the judgment is as under:

3. At this stage, learned State counsel as well as Mr. Samarth Sagar, learned counsel for respondent No.3 ... further submitted that so far as the second objection is concerned pertaining to as to whether reservation should be provided for Economically Backward Person in General Caste (EBPGC) Category or not, the same is also pending in SLP before the Hon'ble Supreme Court, but there are two judgments passed by

a Coordinate Bench of this Court in CWP No.8861-2022 and RA-CW-18-2023 in CWP-20307-2021, whereby relief has been granted to the petitioners in those cases because their selection process started prior to 2017. They also submitted that so far as the present petitioner is concerned, his process also started prior to 2017 and therefore, candidly stated that so far as the present issue is concerned, the case of the petitioner will also be covered by the aforesaid two judgments of Coordinate Bench of this Court and therefore, necessary directions can be issued to the concerned authorities to further process and consider the case of the petitioner in accordance with law.

4. In view of the aforesaid factual position and statements made by learned counsel for the respondents, the present writ petition is allowed. The respondent No.2-Haryana Staff Selection Commission is directed to conduct the interview of the petitioner strictly in accordance with law and further process the case to the next authority concerned.

Still further, vide office order dated 07.03.2024 also, the candidates belonging to EBP GC category have been given appointment by the Higher Education Department subject to final outcome of *Kalindi Vashishtha* and connected matters.

8.2. The petitioners herein are also similarly placed as the petitioners in the aforementioned cases, since the process of selection in question was initiated prior to 07.12.2017; the advertisements 03/2015 and 04/2015 were published on 28.06.2015, and the last date to submit the applications was 04.10.2015. Accordingly, there can be no hindrance in giving conditional appointment to the petitioners as well, as the respondents have been doing so in other cases referred to above.

9. In view of the discussion, these petitions are allowed directing the respondents to consider the petitioners for appointment to the post of TGT (Physical Education) or PGT (Mathematics) or PGT (Punjabi), as the case may be, under EBPGC category subject to verification of their certificates to that effect, as per merit. The appointments will be offered to them on fulfilling the requisite conditions, from the date other selected candidates pursuant to the advertisements in question have been appointed, and with actual benefits from the date of joining. It will be subject to final outcome of *Kalindi Vashishtha* and other connected matters, and an undertaking to that effect shall also be furnished by the appointee(s). These directions shall be carried out by the respondents within four weeks of receiving a certified copy of the judgment.

10. A photocopy of this order be placed on the files of the connected cases.

**April 17, 2026**

*Jaspreet Kaur*

**(TRIBHUVAN DAHIYA)  
JUDGE**

*Whether speaking/reasoned* : *Yes*

*Whether reportable* : *Yes*