

CWP-7609-2017

2026:PHHC:101670



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

CWP-7609-2017

Date of Decision: 23.07.2026

Savita

....Petitioner

VERSUS

Haryana Staff Selection Commission

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Lekh Raj Nandal, Advocate for the petitioner.

Mr. Rajiv Malhotra, DAG Haryana-State.

HARPREET SINGH BRAR, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondent to consider the candidature of the petitioner under Economically Backward Person in General Caste Category (EBPG) for the post of PGT-Hindi advertised vide Advertisement No.4/2015 instead of general category.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner belongs to the Economically Backward Persons in General Castes (EBPGC) category. It is submitted that the respondents issued Advertisement No.4/2015 dated 28.06.2015 inviting applications for various

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posts, including 376 posts of PGT Hindi (Category No.7), out of which 18 posts were reserved for the EBPGC category, as is discernible from Annexure P-1. However, while submitting the online application form, the petitioner inadvertently applied under the General Category instead of the EBPGC category. It is, thus, contended that the petitioner deserves to be permitted to change her category from General to EBPGC. In this regard, the petitioner submitted a representation dated 07.03.2017 (Annexure P-3); however, the same has remained unheeded. In support of the aforesaid contentions, learned counsel for the petitioner places reliance upon the judgment rendered by a Division Bench of this Court in ***Usha Dhillon Versus State of Haryana and others, 2015(2) PLR 412***, as well as the judgment rendered by a Division Bench of this Court in ***LPA No.320 of 2019, Haryana Staff Selection Commission through its Secretary Versus Sarla and others***, decided on 22.02.2019, whereby the intra-Court appeal preferred against the judgment in ***Usha Dhillon (supra)*** was dismissed. On the strength of the aforesaid judgments, learned counsel submits that the petitioner is entitled to the relief prayed for.

3. *Per contra*, learned State Counsel opposes the writ petition and submits that the petitioner consciously applied under the General Category, was issued the admit card under the said category, participated in the entire selection process without raising any objection and only after remaining unsuccessful sought change of category. It is contended that permitting such change after completion of the selection process would amount to altering

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the rules of the game has been played and would prejudice the rights of other candidates who participated in the recruitment process.

4. I have heard learned counsel for the parties and have perused the record.

5. A perusal of the record further reveals that the petitioner herself applied under the General Category. Annexure R-1, appended with the reply, is the application form submitted by the petitioner, wherein against the column pertaining to category, the petitioner categorically selected the "General" category and did not claim the benefit of reservation under the Economically Backward Persons in General Castes (EBPGC) category. The aforesaid position is further fortified from Annexure R-2, i.e. the admit card issued to the petitioner, wherein the category of the petitioner is specifically reflected as "General". Despite being fully aware that she had applied under the General Category and having been issued the admit card accordingly, the petitioner participated in the entire selection process without raising any objection at any stage. It is only after having remained unsuccessful in the selection process that the present writ petition has been filed seeking conversion of her candidature from the General Category to the EBPGC category on the plea that the category was mentioned inadvertently while submitting the online application form.

6. The Hon'ble Supreme Court has consistently held that the terms and conditions contained in the advertisement are binding upon all candidates and that no change in category can ordinarily be permitted after

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the last date prescribed for submission of applications unless the advertisement itself provides such relaxation. A candidate having consciously participated in a selection process under a particular category cannot subsequently seek alteration of the category after finding that the result is not favourable.

7. Reference may also be made to the judgment of the Hon'ble Supreme Court in *J&K Public Service Commission Versus Israr Ahmad and others, (2005) 12 SCC 498*, wherein the Hon'ble Supreme Court categorically held that once a candidate chooses to apply under a particular category and participates in the selection process accordingly, he/she cannot subsequently change his/her status and claim the benefit of another category at a later stage. The Court observed that the nature and status of a candidate stand crystallized at the time of submission of the application and cannot be altered during the recruitment process.

8. The reliance placed by learned counsel for the petitioner upon *Usha Dhillon (supra) and Sarla (supra)* is misconceived. The relief granted therein turned upon the peculiar facts of those cases and cannot be read as laying down an absolute proposition that a candidate is entitled to seek change of category after having consciously participated in the recruitment process under another category. The petitioner has not been able to point out any provision either in the advertisement or in the applicable instructions permitting change of category after the last date for submission of applications.

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9. The only explanation offered by the petitioner is that the mistake occurred inadvertently. Mere inadvertence, in the absence of any statutory provision enabling correction of category after the prescribed cut-off date, cannot confer a legal right upon the petitioner to seek alteration of the category after participating in the entire selection process. Acceptance of such a plea would not only unsettle the selection process but would also adversely affect the rights of other candidates who applied under the reserved category from the very inception.

10. In view of the settled position of law, this Court finds no illegality in the action of the respondents warranting interference in exercise of the extraordinary writ jurisdiction under Articles 226/227 of the Constitution of India.

11. Accordingly, finding no merit in the present writ petition, the same is dismissed.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

23.07.2026

Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No