



CWP-22452-2018

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

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CWP-22452-2018

Date of Decision: 24.07.2025

Geeta Rani

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Sunil K. Nehra, Advocate with
Mr. Rahil Mahajan, Advocate,
Mr. Anuj Chauhan, Advocate,
Mr. Viren Nehra, Advocate,
Mr. Arjun Dosanj, Advocate for the petitioner

Ms. Ruchi Sekhri, Additional Advocate General, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to consider the petitioner as Economically Backward Person in General Castes (EBPGC) category on the basis of certificate dated 07.09.2017, Annexure P-4, for the post of Post Graduate Teacher (PGT) Hindi in response to advertisement 04/2015.

2. In brief, as per facts apparent on record, the aforementioned advertisement was published on 28.06.2015, inviting applications, among others, for 367 posts of PGT Hindi out of which 18 were for EBPGC category candidates. The last date for submission of the applications was extended upto 12.10.2015. The petitioner applied for the post as a General category candidate by filling-up the application form, Annexure P-2. Her candidature was accordingly considered and on clearing the written examination, was called for scrutiny of documents vide notice dated 25.01.2017, Annexure P-3. During the scrutiny held from 6th to 8th August, 2018, the petitioner submitted her EBPGC



category certificate, dated 07.09.2017, and filled the scrutiny form seeking consideration under that category. This was not accepted on the ground that she could not be allowed to change her category at that stage. Being lower in merit as General category candidate, she was not called for interview. Thereafter, she approached this Court by filing the instant petition and during its pendency, in terms of an interim order passed, the petitioner was provisionally interviewed by the Commission.

2.1. It has also come on record that final selection result for the post of PGT Hindi was declared vide announcement dated 10.12.2018, Annexure R-2/1. And as per the affidavit dated 15.05.2023 filed on behalf of the Commission, no post of PGT Hindi under EBPG category against the advertisement in question was vacant.

3. In this factual background, learned counsel for the petitioner contended that at the time of submission of application form, EBPGC category certificates were not being issued by the government. He referred to government instructions dated 07.06.2017, Annexure P-13, in this regard. As the certificates were not being issued to the candidates, the petitioner could not have applied under the category. He also placed reliance upon a Division Bench judgment of this Court in LPA-1199-2019 titled *Haryana Staff Selection Commission v. Subhash Chand and others*, dated 24.03.2023, which has been affirmed by the Supreme Court.

4. Learned State counsel, on the contrary, contends that the petitioner is not entitled to be considered under EBPGC category since she is an applicant under General category. Her candidature was so considered, but could not be selected being lower in merit. As per stipulations in the advertisement, qualification and other eligibility conditions were to be determined on the



closing date for submission of applications. Therefore, the EBPGC category certificate issued to the petitioner after the closing date could not have been considered.

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

6. The petitioner applied for the post in question as General category candidate, and cleared the written test under the category. It was only at the time of scrutiny of documents that she claimed consideration as EBPGC category candidate on the strength of a certificate issued to her on 07.09.2017, much after the closing date/12.10.2015. She claims entitlement to be considered as such on the strength of government instructions dated 07.06.2017 which is only a clarification that *'that there is no stay on appointments under EBP category and it is once again clarified that certificate issuing authorities may continue to issue EBP Certificates to the general category as earlier. Persons belonging to Bishnoi, Jat, Jat Sikh, Ror, Tyagi, Mulla Jats/ Muslim Jat can also be issued such certificates'*. Apparently, vide these instructions, the concerned authorities were directed to continue issuing EBPGC category certificates to the ones entitled for it. It does not in any way indicate that before the closing date for submission of applications the said certificates were not being issued by the government. The reliance placed upon *Subhash Chand* case *ibid* is also misplaced. The judgment is on different facts, and does not advance the petitioner's case in any manner. In that case the petitioner had applied for the post under two categories, Special Backward Class (SBC) and EBPGC, but reservation was claimed in the SBC category because it was not necessary for him to seek reservation under the other category. EBPGC certificates were not even being issued by the administration to the eligible candidates who came to

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this category from SBC category. Later, the government decided to withdraw reservation under SBC category after the cut-off date 12.10.2015, that too without any notice to the petitioner. The fact came to his notice only at the time of declaration of result on 17.09.2018. Therefore, it was a case where the petitioner was not in a position to claim reservation under the EBPGC category before the cut-off date; and the respondents themselves had withdrawn reservation under SBC category after that date. In these circumstances, it was held that EBPGC certificate issued to the petitioner in 2016 cannot be a ground to deny appointment for the post under the said category. However, in the instant case such situation did not arise. There was no change in the conditions of eligibility or grant of reservation to the category after the cut-off date, nor did the petitioner possess eligibility as EBPGC category candidate on or before the said date, as already discussed hereinabove.

7. In view thereof, there is no merit in the petition and stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

24.07.2025*Payal*

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| Whether speaking/reasoned | Yes/No |
| Whether reportable | Yes/No |