



LPA-795-2025 (O&M)

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

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LPA-795-2025 (O&M)

Date of decision : 08.08.2025

Gunjan Rani and another

... Appellants

Versus

State of Punjab and another

.. Respondents

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present:- Mr. Vijay Lath, Advocate and
Mr. S.K. Raghuvanshi, Advocate for the appellants.

Mr. Animesh Sharma, Addl. AG, Punjab.

Anupinder Singh Grewal, J. (Oral)

CM-2000-LPA-2025

1. This is an application seeking condonation of delay of 23 days in re-filing the appeal.
2. Heard.
3. For the reasons stated in the application, the same is allowed and delay of 23 days in re-filing the appeal is condoned.

Main appeal

1. The appellants have challenged the order passed by the Single Bench in CWP No.4723-2021 which was dismissed vide order dated 25.11.2024 whereby the petitioners were denied the benefit of change of category in view of public notice dated 13/14.01.2021 (Annexure P-17).



2. Learned counsel for the appellants submits that they had applied for the post of Science Master/Mistress in pursuance to the advertisement dated 28.02.2020 (Annexure P-1). The last date for submission of the application form was extended from time to time in view of the COVID-19 pandemic. Subsequently, the respondent-Department issued a public notice dated 13.01.2021 (Annexure P-17), granting a final opportunity to the candidates to amend their particulars, including correction of their category. Accordingly, the appellants, who had initially applied under the General category, changed their category to Economically Weaker Section (E.W.S). However, the said public notice was subsequently withdrawn by the department on 19.02.2021 (Annexure P-22), which is discriminatory and has deprived the appellants of their right to public appointment.

3. Learned State counsel, however, submits that the written examination had already been conducted on 10.01.2021, whereas the public notice dated 13.01.2021 (Annexure P-17) was issued thereafter which was later withdrawn by another public notice dated 19.02.2021. He further submits that, pursuant to the withdrawal of the public notice dated 13.01.2021, none of the candidates was permitted to change their category and all applicants were required to compete under the category originally indicated in their application form. He further submits that the respondent-Department issued a public notice dated 30.07.2025, in continuation of the advertisement dated 28.02.2020, whereby applicants under the E.W.S. category had been called on 04.08.2025 for scrutiny of their documents.

4. Heard.



5. The factual matrix of the case is that the respondent-Department issued an advertisement dated 28.02.2020 (Annexure P-1), inviting applications for 700 posts of Science Master/Mistress. The last date for submission of the application form was 18.03.2020, which was extended by the respondent-Department through public notices issued from time to time up to 02.06.2020, in the wake of the COVID-19 pandemic (Annexures P-2 to P-6). Subsequently, a corrigendum dated 09.07.2020 was issued, notifying the addition of more posts and extending the last date for submission of applications. Further corrigendum(s) were issued on 10.08.2020 and 03.11.2020, whereby the category of posts was amended and the last date for filling application form was again extended. In the meantime, public notices dated 27.10.2020, 05.11.2020, and 01.12.2020 were also issued, whereby the portal was unlocked, granting candidates the opportunity to correct the data entered in their online applications up to 04.12.2020. The appellants had applied for the post of Science Master/Mistress under the General Category and appeared in the written examination conducted on 10.01.2021. The final revised answer key and result were declared on 21.01.2021. However, the appellants had sought change of category from General to E.W.S. only after the written examination, pursuant to the public notice dated 13.01.2021 (Annexure P-17). This public notice was subsequently withdrawn by the respondent-Department on 19.02.2021 (Annexure P-22), upon receipt of representations from other candidates, and it was directed that all candidates would be required to appear in the interview under the category originally indicated in their applications.



6. It is trite law that the rules of the game cannot be changed midway once the recruitment process has commenced. The recruitment process begins with the issuance of the advertisement inviting applications to fill the vacancies. The respondents had permitted the change after the process of recruitment had been initiated but withdrew it after objections were raised against it. The appellants have no vested right to seek change in the category. Reliance can be placed on the judgement of the Supreme Court in the case of **Tej Prakash Pathak & Ors vs. Rajasthan High Court & Ors in Civil Appeal no 2635-2636 of 2013 decided on 07.11.2024**. The relevant extract of the judgement is reproduced hereunder:-

“42. We, therefore, answer the reference in the following terms:

(1) Recruitment process commences from the issuance of the advertisement calling for applications and ends with filling up of vacancies;

(2) Eligibility criteria for being placed in the Select List, notified at the commencement of the recruitment CIVIL APPEAL NO.2634 OF 2013 process, cannot be changed midway through the recruitment process unless the extant Rules so permit, or the advertisement, which is not contrary to the extant Rules, so permit. Even if such change is permissible under the extant Rules or the advertisement, the change would have to meet the requirement of [Article 14](#) of the Constitution and satisfy the test of non-arbitrariness;

(3) The decision in [K. Manjusree](#) (supra) lays down good law and is not in conflict with the decision in [Subash Chander Marwaha](#)(supra). [Subash Chander Marwaha](#)(supra) deals with the right to be appointed from the Select List whereas [K. Manjusree](#)(supra) deals with the right to be placed in the Select List. The two cases therefore deal with altogether different issues;

(4) Recruiting bodies, subject to the extant Rules, may devise appropriate procedure for bringing the recruitment process to its



logical end provided the procedure so adopted is transparent, non-discriminatory/ non-arbitrary and has a rational nexus to the object sought to be achieved.

(5) Extant Rules having statutory force are binding on the recruiting body both in terms of procedure and eligibility. However, where the Rules are non-existent, or silent, administrative instructions may fill in the gaps;

(6) Placement in the select list gives no indefeasible right to appointment. The State or its instrumentality for CIVIL APPEAL NO.2634 OF 2013 bona fide reasons may choose not to fill up the vacancies. However, if vacancies exist, the State or its instrumentality cannot arbitrarily deny appointment to a person within the zone of consideration in the select list.”

7. It was also stipulated in the advertisement (Annexure P-1) that once the application form was submitted, no change would be permitted, and the candidate would be held liable for the particulars furnished therein. Relevant Clauses xii and xiii of the Advertisement (Annexure P-1) are reproduced hereunder:-

“xii. Any mistake committed by the candidate at the time of filling the online form for that candidate himself is liable. Education Recruitment Directorate Punjab is not liable for the same.

xiii. At the time of applying online, the candidates who are taking the assistance of cybercafe attendant are advised to fill the form themselves, the data to be filled in the application form, after the same be approved. Same cannot be rectified and further be not given any other chance regarding the same, no application regarding this will be entertained by the department.”

8. It is evident that if there is any mistake in the application form, the candidate shall be liable, and such mistake would not be permitted to be rectified. However, it is apparent that the candidates were afforded sufficient



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opportunities to amend the particulars initially filled in the form, through public notices dated 27.10.2020, 05.11.2020, and 01.12.2020, all issued prior to the written examination held on 10.01.2021. Therefore, the action of the respondents in not permitting the appellants to change their category pursuant to the public notice dated 13.01.2021 does not suffer from any illegality.

9. Furthermore, the public notice dated 13.01.2021 (Annexure P-17), which allowed candidates to change their category after the written examination had been conducted, was in contravention of the settled law and was, therefore, withdrawn by the respondent-Department vide public notice dated 19.02.2021 (Annexure P-22), meaning thereby that no candidate was permitted to change the category.

10. In view of the above, we do not find any infirmity in the judgement of the Single Bench dismissing the writ petition warranting interference in the Letters Patent Appeal. Consequently, the LPA being devoid of any merit stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

August 08, 2025
sonia gugnani

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