



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

CWP-23858-2025

Date of decision: 19.08.2025

Sweety Nagar

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pradeep Chhoker, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Additional A.G., Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ 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 respondents to consider the candidature of the applicant under BCB category instead of general, since the petitioner belong to the BCB category and her candidature was wrongly filled by the computer operator in the rural area in the advertisement No.11/2019 Act No.26 for the post of LDC Clerk.

2. Learned counsel for the petitioner *inter alia* contends that respondent No.2 has advertised 495 posts of LDC and petitioner applied for the same. However, the petitioner has applied in general category, whereas, she belongs to BC-B category. The petitioner at the time of scrutiny produced her certificate to avail the benefit of reservation for the category to which the petitioner belongs. Thereafter, the petitioner filed CWP No.9807 of 2021 before this Court and this Court vide order dated 18.05.2021 (Annexure P-7) directed the respondent to consider the representation of the petitioner. The



respondents vide order dated 13.07.2021 rejected the claim of the petitioner. The petitioner challenged the above order by filing CWP No.25698 of 2021 which was dismissed by this Court vide order dated 07.01.2022 (Annexure P-9). Thereafter, the petitioner filed LPA No.226 of 2022 which was also dismissed by the Division Bench of this Court vide order dated 23.08.2022 (Annexure P-10).

3. He further submits that the petitioner has filed the instant petition as on earlier occasion, the appeal filed by the petitioner was rejected on the ground that at this stage, the entire selection process would be disrupted. Now, in view of the changed circumstances as vide order dated 27.05.2025 (Annexure P-11) passed in LPA No.742 of 2025, the Division Bench of this Court has directed the respondents to publish a revised list of posts advertised in the year 2019. As such, the claim of the petitioner can now be considered under the BC-B category.

4. On the other land, the learned State counsel submits that the present writ petition would not be maintainable as the reliance placed upon by the petitioner on the order passed by the Division Bench of this Court on 27.05.2025 is wholly misconceived and the case of the petitioner is not covered by the decision rendered by the Division Bench of this Court. He further submits that the petitioner has raised disputed question of facts with regard to filing of the application form she has claimed in the writ petition that it was filed by Computer Operator, however, in her application form, the petitioner has claimed that she herself has filled and uploaded the application form.

5. Having heard learned counsel for the parties and after perusal of the record, it appears that the petitioner is making another attempt to re-agitate



her claim which has already been rejected by this Court in CWP No.25698 of 2021 and in LPA No. 226 of 2022 which has been dismissed by the Division Bench of this Court.

6. It is settled law that once an issue has been adjudicated and attained finality, its re-agitation is impermissible. Multiplicity of proceedings without any new cause or substantive ground runs contrary to justice and public policy, and constitutes an abuse of process. The Hon'ble Supreme Court, in a catena of judgments, has categorically held that the principle of *Res Judicata* would be applicable to the writ proceedings as well and persistence in filing proceedings which re-agitate settled claims amounts to vexatious litigation.

7. Further, the Hon'ble Supreme Court has concluded that there can be no doubt that the principle of constructive *Res Judicata*, as explained in Explanation IV to Section 11 CPC, is also applicable to writ petitions. Reliance in this regard can be placed on *Devilal Modi v. Sales Tax Officer, Ratlam and Others 1964 SCC OnLine SC 17, State of U.P. v. Nawab Hussain 1977 2 SCC 806, Forward Construction Co. v. Prabhat Mandal (Regd.) (1986) 1 SCC 100.*

8. In view of the discussion above, the present writ petition cannot be considered. Thus, the present writ petition is hereby dismissed.

(HARPREET SINGH BRAR)
JUDGE

19.08.2025

Neha

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