

Bhupender Vs Himachal Pradesh Rajya Chayan Ayog, Hamirpur

Court: High Court Of Himachal Pradesh

Date of Decision: Jan. 8, 2025

Hon'ble Judges: Ajay Mohan Goel, J

Bench: Single Bench

Advocate: Rajesh Kumar, Vishwajeet Singh

Final Decision: Dismissed

Judgement

Ajay Mohan Goel, J

1. By way of this writ petition, the petitioner has, inter alia, prayed for the following reliefs:-

That a writ in the nature of mandamus may very kindly be issued thereby directing the respondent to consider the petitioner for the post of JOA(IT) (Post

Code 817), under OBC category and thereafter, he may be recommended to the department concerned, as per his option, if otherwise found in merit list/select list,

against the post reserved for OBC category.

2. The admitted case of the petitioner, as pleaded by his counsel is that, the petitioner did not apply for the post in issue under the OBC category

though he belongs to the said category and he by mistake, applied under the General category only.

3. Learned counsel has submitted that now taking into consideration the merit of the petitioner, in case, he is considered to be a candidate under the

OBC category, because his position in the waiting list of the said category will be at Sr. No.1, therefore, the petition be allowed and the respondents be

directed to consider the petitioner as an OBC category candidate.

4. This Court is of the considered view that the relief, as prayed for, cannot be granted to the petitioner. As it is the own case of the petitioner that he

mistakenly did not apply under the OBC category, but natural he has to be treated as a General category candidate i.e. the category under which he

applied for the post in question. Simply because, on the basis of his overall merit, had he applied under the OBC category, he would have been at Sr.

No.1 in the waiting list of OBC, now this Court cannot allow the petitioner to change his category to OBC to the deterrent and prejudice of the

candidates who applied under the OBC category and who are there in the waiting list as per their seniority and who are legitimately expecting that in

case, someone who has been offered appointment, does not joins, then he or she may be offered appointment under the OBC category.

5. Accordingly, as this Court does not finds any merit in the writ petition, the same is dismissed. Pending miscellaneous application(s), if any also

stand disposed of accordingly.