

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
SPECIAL CIVIL APPLICATION No. 2413 of 2012

CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date of Judgment: 16/07/2012

**RAUT NITESH CHHAGANBHAI - Petitioner(s)**  
**Versus**  
**STATE OF GUJARAT & 1 - Respondent(s)**

**ORAL ORDER**

The petitioner herein has prayed for direction to respondent GPSC to appoint the petitioner on the post of Principal ( Sr. Surveyor/Technical Officer/Training cum Placement Offer/Trade Testing Officer) in Gujarat Skill Training Service Class II which has been kept vacant for ST category while declaring that the petitioner is eligible candidate from ST category.

The petitioner in column no. 4 of the application form submitted on 12.02.2009 had mentioned 'Not Applicable' against ' whether he is applying for 'Reserved' or Unreserved (General) category' and therefore the petitioner was considered as an 'Unreserved' category candidate. The petitioner had appeared at the Preliminary Test conducted by the respondent Commission on 25.04.2010. The respondent Commission had declared the preliminary result of 410 candidates on 15.06.2010 whose applications were yet to be scrutinized by the respondent Commission. After the scrutiny of the candidates, the respondent Commission declared the final result of the preliminary test on 05.08.2011 in which 191 candidates were found eligible for the personal interview. Further, at the time of personal interview, the petitioner was informed that he was considered for appointment from General category. The respondent Commission seems to have considered the fact that the petitioner was not possessing the qualifying norms/passing standard for Unreserved category and therefore he is not included in the list of selected candidates.

When the petitioner was informed in the month of September informing him that he was called for interview for vacancies for General category instead of ST category even though he fell in the category of ST at that time, the petitioner ought to have approached the court immediately. Even delay of five months is vital when the personal interview took place in the month of September. The contention regarding the application form being accompanied by ST certificate is concerned, the Commission has on the basis of the petitioner's statement in column no.4 that reserved category is not applicable to him considered him as an open merit candidate. Merely attaching the form would not make any difference when the inside information is different.

It is also required to be noted that as per application the petitioner was not clear as to which category he has opted and therefore the Commission considered his case according to an open merit candidate and when he was not successful he came out with the case that the authority should have considered his case in reserved category. It is not now open to the petitioner to contend otherwise and the respondent was therefore right in considering the case according to the details mentioned in the application. This court does not find any infirmity in the stand taken by the respondent Commission and therefore this petition fails on merits.

Detail Judgement is also available on <http://www.gujarathighcourt.nic.in/>