

In the High Court of Punjab and Haryana at Chandigarh.

**CWP-17460 of 2016
Decided on 27.8.2016**

Subash

--Petitioner

Vs.

Union of India and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Ravinder Malik, Advocate, for the petitioner

Rakesh Kumar Jain,J: (Oral)

This petition is filed in order to challenge the order dated 22.8.2015 passed by respondent No.4 and the order dated 08.3.2016 passed by respondent No.3 by which application filed by the petitioner has been declined on the ground of non-compliance of the provisions of Clause 4 (Eligibility Criteria for Individual Applicants-Proprietorship/Partnership), which reads as under:-

“Resident of the concerned Revenue District
(Residence certificate issued within previous six
months of the date of the affidavit will be treated as
valid residence certificate”.

The petitioner applied for rural outlet of Kisan Sewa Kendra (KSK Dealership). An affidavit was filed by the petitioner on 25.11.2014.

He attached certificate of his residence obtained from Tehsildar, Tohana,

dated 29.6.2012 which has been rejected by the authority concerned by passing the order dated 08.3..2016.

Thereafter, the petitioner supplied the residence certificate dated 11.5.2015 again obtained from Tehsildar, Tohana.

Learned counsel for the petitioner has submitted that the respondents have committed an error in rejecting his application on the ground that the petitioner has submitted the residence certificate obtained from the office of District Marketing Enforcement, Fatehabad, Haryana, which does not fall within the definition of a residence certificate as per the Brochure. He has submitted that Clause 4 of the Brochure runs contrary to the instructions issued by the Chief Secretary to Govt. of Haryana, which has been issued on the subject of 'Streamlining the procedure in the offices regarding issuing of Resident /Income Certificates and the Caste Certificate to Scheduled Castes and Backward Classes'.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that there is no merit in this petition because firstly, condition of Brochure is not in conflict with the instructions issued by the Chief Secretary to Govt. of Haryana and secondly, the petitioner himself is responsible for the rejection of his application as he did not submit the affidavit in terms of the provisions of the Brochure in which it is categorically mentioned that the petitioner had to submit residence certificate issued within the previous six months from the date of affidavit. However, the petitioner has submitted the affidavit alongwith the certificate of his residence dated 29.6.2012 which was two years old.

No other point has been raised before me by learned counsel for the petitioner.

In view of the above, I do not find any merit in this petition and the same is hereby dismissed.

27.8.2016
rr

(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: Yes/No.

Whether Reportable: Yes/No