

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

152

CWP No.29176 of 2017
Date of decision:20.12.2017

Anuradha Sabharwal

... Petitioner

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.S.S.Sahu, Advocate,
for the petitioner
...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner seeks that she be interviewed by the respondent Haryana Public Service Commission for the post of an Assistant Professor in Maths, in the ongoing selection process started pursuant to the advertisement dated 16.2.2016 (Annexure P-1).

Learned counsel for the petitioner submits that, as a matter of fact, the petitioner had cleared the written examination and was called for an interview after scrutiny of documents, with her also appearing before the interview committee on 18.12.2017, but at that stage her candidature was orally rejected on the ground that the caste certificate showing that she belongs to the Scheduled Caste, does not give her fathers' name but only her husbands' named, whereas as per the instructions of the Government of Haryana, even a married woman would retain the caste of her father for the purpose of employment in public service in the State of Haryana.

He further points to the copy of the caste certificate (Annexure P-9) wherein, indeed, the petitioner, in fact, is shown as Anuradha

Sabharwal “daughter/wife of Sh.Jai Prakash”, with her fathers' name not shown therein.

However, he also points to the certificate issued to the father of the petitioner, Sh.Mahinder Singh, on 2.3.1976, by the Sub Divisional Officer, Jhajjar, a copy of which has been annexed as Annexure P-10 with the petition, showing that he is from the Scheduled Caste.

In view of the above, this petition is disposed of with a direction to the respondent Commission to interview the petitioner taking her to be belonging to the Scheduled Caste and to declare her result accordingly. Of course, if she is selected and her antecedents are to be verified as per due procedure, and at that time, if her certificate or that of her father is found to be forged/fabricated/false, needless to say all consequential action will follow against her.

Since this issue is coming up time and again, a direction is also issued to the Chief Secretary to the Government of Haryana that since, as per the current instructions issued by the State, even a married woman would retain the caste of her father, and if such caste has been notified to be a Scheduled Caste/Backward Class etc. in the State of Haryana, she would accordingly be entitled to employment in public service, all authorities issuing such certificates be directed to include the name of the father of the married woman along with her husband, so as to ensure that at the time of such a woman participating in any selection process for public employment, the issue does not come up again. Very obviously, the caste certificate shall be issued by the competent authority only after verifying the caste of the father of the married woman since otherwise, as per current instructions, she

is not entitled to public appointment only on the basis of being married into a family of a particular caste.

Since today is stated to be the last date for conducting interviews for the posts in question, a copy of this order be given to learned counsel for the petitioner under the signatures of the Bench Secretary of this Court, to enable the petitioner to appear before the Commission today itself, for her to be interviewed.

A copy of this order be also given to Mr.R.K.Doon, learned AAG, Haryana, under the signatures of the Bench Secretary of this Court, for onward transmission to the Chief Secretary to the Government of Haryana.

20.12.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No