

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 29341 of 2017
Date of Decision: 22.12.2017

Poonam

.....Petitioner

Vs.

Haryana Public Service Commission

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. G.C. Shahpuri, Advocate,
for the petitioner.

Mr. R.K. Doon, A.A.G., Haryana.

Mr. H.N. Mehtani, Advocate,
for the respondent-HPSC.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner submits that certificates, that a person belongs to the Economically Backward Persons category, not having been issued for a long period of time by the respondent-Government, in view of various orders passed in different writ petitions at different points of time, she could not have produced such a certificate when she applied for the post in question, pursuant to the advertisement Annexure P-1, in which the closing date was 15.03.2016. Hence, rejection of her candidature, after she has passed the written examination, on the ground of an EBP (G) certificate not having been submitted by her, is arbitrary.

Upon query, learned counsel for the State submits that as a matter of fact, the instructions by the Chief Secretary to the Government of Haryana,

directing that EBP (G) category certificates be issued, are dated 07.06.2017.

In view of what has been stated by learned State counsel, on query of this Court, this petition is disposed of with a direction that the petitioner be provisionally interviewed in the the EBP (G) category, subject to her producing a certificate even now that she belongs to that category, of course further subject to the fact that reservation for that category is upheld by the Division Bench of this Court, a challenge having been laid to such reservation itself.

Upon the petitioner making an application to the authority concerned for grant of such certificate within 10 days from today, upon the proper verification conducted by the authority concerned, such certificate, thereafter, be issued to her within a period of two months.

It needs to be noticed here that learned counsel for the petitioner has pointed out that despite the stay ordered by the Division Bench on the policy of the State Government reserving posts for persons from the Economically Backward category, the respondent Haryana Public Service Commission is still holding interviews even for that category of persons, as a separate category of candidates, obviously for the reason that if the stay is eventually vacated and the reservation policy upheld, the candidates would have been interviewed in their appropriate category.

December 22, 2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No.