

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.27013 of 2017 (O&M)
Date of decision: 30.10.2018**

Vineet Kumar Chauhan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sunil Kumar Nehra, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. R.K. Malik, Senior Advocate,
with Mr. Sandeep Dhull, Advocate,
for respondent No.3.

Ritu Bahri, J.

The petitioner is seeking direction to the respondent-Commission to treat him as a candidate of General category for the post of Industrial Extension Officer.

Pursuant to the advertisement dated 02.12.2016 (Annexure P-1), the petitioner applied for the above mentioned post under Dependent of Ex-servicemen (DESM) category. However, his candidature was rejected, as he could not produce the relevant documents of being dependent of Ex-serviceman. At the time of issuing notice of motion on 27.11.2017, this Court had observed that the petitioner was seeking direction to treat him as

a candidate in the General category for the post of Industrial Extension Officer pursuant to the advertisement dated 02.12.2016 (Annexure P-1). As per order dated 08.12.2017 passed by this Court, one post was not to be filled till the next date of hearing.

Thereafter, the petitioner participated in the written examination, but had not been called for interview by the Haryana Staff Selection Commission on the ground that he had applied under the DESM category, but did not produce any certificate in that regard. While issuing notice of motion, the petitioner was directed to be interviewed provisionally. Today, result of the petitioner has been brought in Court, a perusal thereof shows that he has secured 164 marks in the written examination and 14 marks in viva voce, total 178 marks. Last candidate in General category has secured 176 marks. Meaning thereby, the petitioner has secured more marks than the marks secured by the candidate in General category.

Learned counsel for the petitioner has argued that petitioner had approached the Zila Sainik Board, Rewari for issuing certificate of 'Dependent of Ex-serviceman'. However, the certificate was not issued on the ground that his father had already got a job being an Ex-serviceman. This fact is not being denied by the respondents.

Once, the petitioner was not give the certificate of 'Dependent of Ex-serviceman', he had a right to participate in the selection process under the General category. This aspect has been considered by this Court in Ankita Sheoran vs. State of Haryana and another, CWP-19614-2017 (decided on 11.09.2018), whereby petitioner (therein) had inadvertently applied for the post of PGT (Computer Science) in the category of Dependent of Ex-servicemen, General category. Her candidature was

rejected on the ground that the certificate was not issued by the competent authority and her father, at that stage, was serving in the Army. The said petition was allowed by giving direction to the respondents to consider her candidature under the General category. No LPA has been filed against the aforesaid judgment.

In the facts of the present case, the petitioner has not been issued the certificate of Dependent of Ex-serviceman by the Zila Sainik Board, Rewari on the ground that his father had already taken a job being Ex-serviceman. The petitioner had inadvertently, applied under the DESM category, but could not produce certificate in this regard. So, he has a right to be considered under the General category.

In view of the above discussion, the official respondents are directed to give appointment letter to the petitioner with all consequential benefits, within a period of two weeks from the date of receipt of certified copy of this order.

The petition stands allowed accordingly.

30.10.2018
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No