

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

117

**CWP No. 5291 of 2018
Decided on: 20.8.2018**

Narender Sharma

.....Petitioner

Versus

Haryana Staff Selection Commission

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. G.S. Gopera, Advocate, for the petitioner

Ms. Palika Monga, DAG, Haryana

Ritu Bahri, J.(Oral)

Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the notice dated 23.2.2018, vide which the candidates have been called for interview provisionally and further, for issuance of a writ in the nature of mandamus directing the respondent to consider the petitioner eligible and qualified for the post of Grid Sub-Station Operator (for short 'GSSO') and allowed him to participate in the interview.

Pursuant to the advertisement dated 20.2.2016 (Annexure P-1), the petitioner had made an application to the respondent in the category of Economically Backward Person General Category (for short 'EBPGC') for the post of GSSO. 46 posts were kept reserved under this category. As per the advertisement, the petitioner fulfilled all the eligibility criteria and this fact is not disputed by the respondent. The petitioner's certificate of Economically

Backward Class was not considered at the time of scrutiny of the documents because the same was presented after the cut of date of submission of the application forms i.e. 4.4.2016.

In the present case, notice of motion was issued on 6.3.2018 and on 8.3.2018, the petitioner was directed to be interviewed provisionally and his result be kept in sealed cover.

In the morning incomplete result was given, which did not reflect the marks given to the petitioner in the interview. Now, after lunch session, second copy of the result has been given, which is opened in the Court. It shows that the petitioner has secured 128 marks in written examination and 10 marks in interview, totaling to 138 marks. The result is marked as Annexure A-1 and kept on record.

The case put up by the petitioner was that he has mentioned about EBP Certificate in his application form and the certificate was issued to him on 31.12.2013 (Annexure P-8). In the said certificate, his name is mentioned as 'Narender son of Rampal, resident of Ward No.17, Ded Raj Mohalla, Jind' and 'Brahmin' is mentioned as his caste. However, as per the corrected certificate dated 22.2.2017 (Annexure P-9), his name has been mentioned as 'Narender Sharma s/o Sh. Rampal Sharma, resident of H.No. 69/217, Ded Raj Mohalla, Jind' and he belongs to caste 'Brahman'. Since the corrected certificate was given to the respondent on 22.2.2017, the petitioner was not called for interview. This fact has not been disputed by the respondent.

The corrected certificate of EBP was issued after the cut of date i.e. 4.4.2016 on the basis of which, it was rejected. But the respondent has wrongly rejected the certificate as the initial certificate, which was issued to

him on 31.12.2013 (Annexure P-8), prior to the cut of date i.e. 4.4.2016. It clearly shows the name of the petitioner as 'Narender son of Sh. Rampal'. His address and 'Brahmin' caste is rightly given in the certificate. This fact reiterated in the corrected certificate and only caste 'Sharma' is mentioned with his name and remaining all particulars are the same.

Since the last candidate in the present case has got total 106 marks and the petitioner has got total 138 marks, the writ petition deserves to be allowed.

Accordingly, the present petition is allowed. The respondent is directed to issue appointment letter to the petitioner for the post of GSSO. This exercise be completed within 4 weeks.

(RITU BAHRI)
JUDGE

20.8.2018

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No