

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6686-2018
Date of decision: 19.09.2018

Rahul Khan

...Petitioner

V/s.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Aazam Khan, Advocate for
Mohd. Arshad, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Kanwal Goyal, Advocate for respondents No. 2 and 3.

RITU BAHRI, J. (Oral).

The petitioner is seeking direction to the respondents to consider him for the post of Assistant Engineer (Civil) in the Irrigation Department. His grievance is that at the time of interview, he was not able to produce the latest BCB category certificate and hence he has not been considered for the above said post.

In response to the writ petition, written statement has been filed by Haryana Public Service Commission stating that the petitioner had applied for the post of Assistant Engineer (Civil) in BCB category. As per his application form (Annexure P-3) he cleared the written examination and the result was declared on 08.02.2018. He was shown successful under the BCB category itself. He was called for interview vide letter dated 28.02.2018 (Annexure P-5) subject to submission of the documents as the

certificate submitted by the petitioner (Annexure P-8) is of backward class certificate and nowhere it is mentioned that he belongs to BCB category and he was rightly rejected on account of non-submission of BCB category, Haryana certificate. The Committee further found that he was working in the Indian oil Corporation and getting a salary of Rs.65,000/- p.m. and he could not be considered for the post in question under the BCB category being contrary to the instructions issued by Govt. of Haryana (Annexure R-1). A perusal of the instructions (Annexure R-1) shows that Government of India (**Ministry of Welfare, Higher Education department**) has **fixed the upper limit of Rs.4.5 lakhs per annum for the other backward class categories for the purpose of admission in central education institutes. Ministry of Personnel Grievances and Pension, Government of India has vide its department letter No. 36033/1/2013 -ESTT (RES.) dated 27.05.2013 and Govt. of India, Ministry of Human Resources and Higher Education Dept. dated 11.10.2012-U. Policy, dated 31.05.2013 has informed that the limit of 4.5 lac rupees has been increased to 6 lac rupees per annum for Other Backward Category persons, for being eligible for employment in the other Civil departments of Govt. of India as well as admission in central Govt. Educational institutions.**

By taking income of the petitioner as Rs.65,000/- p.m., annual income comes to Rs.780,000/- which is much above 6 lac rupees per annum for other backward category persons as per the above said instructions (Annexure R-1) Hence the petitioner is not even eligible to be considered under the BCB category.

Moreover, the petitioner had not chosen to file any replication to the written statement.

Keeping in view the above, the writ petition is dismissed.

(RITU BAHRI)
JUDGE

19.09. 2018
Divyanshi

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