

CWP-6172-2019 (O&M)

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

**CWP-6172-2019 (O&M)
Date of decision : 17.08.2019**

Sarbjeet Kaur

... Petitioner

Versus

Haryana Staff Selection Commission

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ivneet Singh Pabla, Advocate
for the petitioner.

AMIT RAWAL, J.

CM-7488-2019

For the reasons stated in the application, which is supported by an affidavit, Annexures P-6 & P-7 (Colly) are taken on record, subject to all just exceptions.

CM stands disposed of.

MAIN CASE

Petitioner sought indulgence of this Court for issuance of a writ in the nature of *mandamus* directing the respondent-Haryana Staff Selection Commission to revise the final result of Scheduled Caste Category for the post of female constable.

It was alleged that in pursuance to advertisement No.3/2018, caused by the respondent, inviting online application for 1147 posts of female constable (general duty) in Police Department, by fixing last date for submission of online application as 08.05.2018 and closing date for fee deposit

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as 30.05.2018, petitioner, being eligible, submitted the application under Scheduled Caste Category i.e. Category No.2 and enclosed all other relevant documents. Accordingly, issued admit card bearing Roll No.281819013098. Respondent, on the basis of written examination, called the petitioner for physical screening test as well as for scrutiny of documents, accordingly, petitioner appeared for scrutiny of document and also physical screening test. The result was declared on 03.03.2019, , wherein cut off marks for the post of female constable under Scheduled Caste Category had been 52.20 marks, whereas petitioner was sure of getting 56 marks. Petitioner has not been awarded five marks being belonging de-notified tribe (Vimukt Jatis and Tapriwas Jatis) or Nomadic tribe of Haryana, though on the date of scrutiny, submitted all relevant documents pertaining to the reservations, thus, non-awarding of additional marks is totally uncalled for.

Learned counsel for the petitioner tried to demonstrate by referring to Annexures P-6 and P7 that candidates falling in Category, who even not opted for de-notified tribe category, have been awarded five marks and therefore, entire result is vitiated.

I have heard learned counsel for petitioner, appraised paper book and of view that there is no force and merit in the submissions of Mr. Ivneet Singh Pabla.

Awarding of five marks was not only with regard to one category, but, as per advertisement, on the following grounds:-

"Miscellaneous (10% weightage):

(a) (i) Five (05) marks will be given if no person from amongst the application's father, mother, spouse, brother, sister, son and daughter is/was/has been a regular employee in any Department, Board, Corporation, Company, Statutory Body, Commission or Authority of Haryana Government or any other State Government

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or Government of India.

(ii) Five (05) marks will be, in case of Orphan/Widow:-

(i) if the applicant is a widow; or

(ii) If the applicant is a 1st or 2nd ward of the deceased whose father died before completion of 42 years of age

(ii) If the applicant is a 1st or 2nd ward and his/her father had died before his/her completing 15 years of age.

(iii) Five (05) marks will be given, if the applicant belongs to such a de-notified tribe (Vimukt Jatis and Tapriwas Jatis) or Nomadic tribe or Haryana, which is neither a Scheduled Caste nor a Backward Class."

An effort was made by referring the application form of one Jaswinder, whereas against column No.5 of Socio Economic criteria, in the application form, had given indication of not belonging to aforesaid category, has been awarded five marks as well as of Ajay Kumar.

The aforementioned contention cannot come to the rescue of the petitioner as from the result, it is not deciphered whether five marks have been given under category which petitioner belongs to or other one, as extracted above. In the absence of material, this Court cannot come to rescue of the petitioner by issuing direction as sought.

No ground is made out for interference.

The writ petition is devoid of merit and same is hereby dismissed.

17.08.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**