

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.23379 of 2019

Date of Decision: August 29, 2019

Satwanti & another

...Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Jasbir Mor, Advocate,
for the petitioners.

AMIT RAWAL, J. (Oral)

Petitioners, two in number, have sought the intervention of this Court for issuance of direction to the respondents to consider their candidature under the Economically Backward Persons in General Category (for short, EBPGC) in view of the notifications dated 23.01.2013 and 27.09.2013 (Annexures P-10 and P-11) for the post of Female Constable with consequential relief of directing the respondent-Commission to declare the result and not to re-advertise the remaining 57 (fifty seven) vacant posts of Female Constable (General Duty) reserved under EBPGC.

The facts, emanating, from the writ petition are that the Haryana Staff Selection Commission caused an Advertisement No.08/2015 dated 19.07.2015 (Annexure P-1) invited online applications from the eligible candidates by keeping the minimum qualification. They possess qualification of 10+2 and Matric with Hindi as one of the subject, submitted applications under SBC category by enclosing the certificates Annexure P-4

to P-6. Finding the documents to be intact, were issued admit cards for appearing in the written test and qualified the Physical Standard Test, much less written test. Respondent-Commission on 29.10.2016 declared the result of the Female Constables and of the Economically Backward Persons in General Category on 30.11.2016 owing to the pendency of certain writ petitions. However, during the entire process, the Government withdrew the Special Backward Class (SBC) category and converted the posts into general category.

Mr. Jasbir Mor, learned counsel representing the petitioners submitted that during the interregnum and in pursuance to the instructions dated 07.06.2017 (Annexure P-18 colly) submitted application for obtaining the certificates belonging to EBPGC which have been issued vide Annexure P-18 dated 03.07.2017 and 05.07.2017 respectively. In this regard, representations Annexure P-20 dated 10.07.2017 and Annexure P-21 dated 13.07.2017 have been submitted, but no action has been taken, thus, the action of the respondents in inviting the applications under EBPGC and thereafter withdrawing the aforementioned reservation is wholly illegal. With regard to Male Constable belonging to EBP category, vide order dated 10.04.2019 in CWP No.9665 of 2019, have been given a chance to appear for the Physical Measurement Test and interview and vide Annexure P-25, petitioners have been called for interview. Respondent-Commission is not averse in allowing petitioners to undertake the physical test but only subject to the order of the Court. In such circumstances, petitioners have been compelled to come to this Court.

I have heard the learned counsel for the petitioners, appraised the paper book and of the view that there is no force and merit in the

submissions of the learned counsel for the petitioners.

The qualification laid down in the aforementioned advertisement is as under:-

“i) The minimum educational qualification for the post of Constable shall be 10+2 for all categories.

ii) Hindi/Sanskrit upto Matric standard or higher education;

PHYSICAL STANDARD

<i>Category</i>	<i>Height</i>
<i>General category</i>	<i>160 centimeter</i>
<i>Eligible Reserve categories</i>	<i>157 centimeter</i>
<i>as per latest existing Govt. reservation policy.”</i>	

No doubt, the petitioners have applied under SBC category and had secured more marks and were considered under the general category, but could not obtain the marks than the cut off marks of the last selected candidates. The grievance in the present writ petition is that they should have been considered under the EBP GC, but once they applied under the SBC category and secured less than cut off marks, cannot claim the relief as sought in the other writ petition, i.e., 23379 of 2019. No ground for interference is made out.

Writ petition is accordingly dismissed.

August 29, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No