

CWP-4391-2018 (O&M)

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

**CWP-4391-2018 (O&M)
Date of decision : 19.08.2019**

Rajbir

... Petitioner

Versus

The Haryana State Selection Commission and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Surinder Gandhi, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

AMIT RAWAL, J. (ORAL)

Petitioner has sought jurisdiction of this Court under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to offer appointment to petitioner on the post of Water Pump Operator Grade-II in Public Health Engineering Department, Haryana.

It was alleged that in pursuance to advertisement dated 30.12.2016 issued by respondent No.1/HSSC, inviting various posts including 681 posts of Water Pump Operator Grade-II in Public Health Engineering Department by fixing reservation, petitioner being eligible applied for the aforesaid post under Economically Backward Person in General Castes Category by relying EBPGC Certificate No.156/2013 dated 27.12.2013. Petitioner appeared in written examination against Roll No.7163006106, remained successful by securing 116 marks and called

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for interview. Final result was declared and cut off marks under EBPGC Category were 116 marks including marks of written test as well as of interview. Despite the fact that he secured 116 marks only in written examination, his name did not figure in the merit list. Action of the respondents is wholly erroneous and illegal.

In response to the notice, reply has been filed on behalf of respondent No.1/HSSC, wherein it has been stated that at the time of scrutiny of documents, petitioner has shown EBPG Certificate of 2017 instead of 2013, as mentioned in the application form. Respondent No.1/HSSC has not seen EBPG Certificate of 2013 (Annexure P-12), thus, his candidature has rightly been rejected and urges this Court for dismissal of the present writ petition.

I have heard counsel for parties, appraised paper book and of view that there is force and merit in submissions of Mr. Gandhi.

It is not decipherable that petitioner, once disclosed particulars of EBPG Certificate dated 27.12.2013, belonging to EBPG Category and having passed written examination and also called for interview, has not been selected in the merit list, only on the premise that it is not believable that he had possessed EBPG Certificate prior to cut off date.

Mr. Gandhi, has specifically submitted that some of the Department has been asking fresh certificate, therefore, it is, in these circumstances, fresh certificate has been obtained.

Veracity of EBPG Certificate dated 27.12.2013 (Annexure P-12) has not been disputed. In such circumstances, it cannot be said that petitioner did not belong to EBPG Category, thus, rejection of candidature of petitioner, at the time of scrutiny, is wholly uncalled for and is not

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sustainable in the eyes of law. Same is hereby set aside. Accordingly, the present writ petition is allowed with a direction to the respondents to consider the candidature of the petitioner under EBPG Category, by relying EBPG Certificate dated 27.12.2013 (Annexure P-12).

19.08.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No