

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

210/4

**CWP No.11109 of 2019 (O&M)
Decided on : 19.04.2021**

Rashim

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

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

Ms. Shruti Jain Goyal, DAG, Haryana.

(The proceedings have been conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Article 226 of the Constitution of India seeks directions to grant 5 marks on account of socio-economic criteria as no member of the petitioner's family is in Government job. Resultantly, he seeks consideration for selection to the post of Male Constable in the BCB category, as per Advertisement No.3 dated 16.04.2018 (Annexure P-1), since the cut-off is stated to be 56.2 marks. It is the case of the petitioner that in case benefit of 5 marks on account of no family member is in Government job is given to him, he would secure 58.4 marks, which would be above last selected candidate.

In the written statement filed, the said fact has been admitted that 5 marks were not awarded to the petitioner in paragraph No.4 and he was not selected as per the final result dated 28.02.2019. However, the respondents also averred that re-scrutiny of all the candidates for the post

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in question has been conducted and the petitioner is liable to be granted the said benefit. Relevant portion of the reply reads as under:-

“7. That in this connection, it is stated that as per the report of re-examination of the documents submitted at the time of scrutiny, the petitioner is found to be entitled for five marks of socio-economic criteria (none in Govt. Job) and has secured total 58.4 marks (Written marks 46.4 + 7 marks for Qualification + 5 marks for socio-economic criteria). However, the cut-off in his respective category (BCB) is 56.2, whereas, re-scrutiny of all the candidates for the post in question is being conducted by the Commission and if the petitioner comes in the merit zone his case will be considered on merit accordingly.

In view of the above, the present writ petition is disposed of with the directions to the respondents to comply with their stand taken and consider the case of the petitioner for appointment to the said post by granting him the said benefit of 5 marks. The said exercise be done within a period of two months from the receipt of certified copy of this order. Needless to say that the said revision will take place across the board and appointments will be made on the basis of the merit, which is to be re-calculated accordingly.

Disposed of.

April 19, 2021

Naveen

Whether speaking/reasoned:

Whether Reportable:

**(G.S. SANDHAWALIA)
JUDGE**

Yes/No

Yes/No