

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Writ Petition No. 14512 of 2020 (O&M)**

**Date of Decision: 11.02.2021**

Renu Rani

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Vikram Singh Narwal, Advocate  
for the petitioner(s).

Ms. Kirti Singh, Deputy Advocate General,  
Haryana, for the respondents.

**Anil Kshetarpal, J.**

On 09.10.2020, the following order was passed:-

*“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.*

*Pursuant to the order dated September 16, 2020, Mr. Brar, learned Addl. A.G. Haryana, submits that as a matter of fact the petitioner did not obtain 66 marks but only 65 marks, which is also the number of marks obtained by the last selected candidate in the petitioners' category, but with that candidate being older than the petitioner, he has been selected as per standing instructions to that effect.*

*Learned counsel for the petitioner however submits that the petitioner has also not been given any weightage of marks on the socioeconomic criteria.*

*Adjourned to 04.11.2020.*

*The Secretary of the Haryana Staff Selection Commission shall file an affidavit annexing therewith the detailed marks obtained by the petitioner as also the last five*

*selected candidates in the petitioners' category, also showing as to whether or not the petitioner has been granted marks on the socio-economic criterion and if not, why not.*

*Any statutory rules stating as to who is to be included in the merit list if the total number of marks obtained are the same by many candidates, shall also be placed on record.*

*It is to be noticed that if the instructions being relied upon are contrary to any statutory rules, then obviously the statutory rules would prevail over the instructions”.*

An affidavit has been filed by the Secretary, Haryana Staff Selection Commission, through the official e-mail of this Court. Para 3 of the affidavit reads as under:-

“3. *The main grievance of the petitioner in present writ petition is that the petitioner was not selected in the final result dated 03.09.2020 (Annexure P-8). In this regard, it is pertinent to mention here that the petitioner has secured 65 marks (60 marks in written examination + 5 marks of socio-economic criteria) and the last selected candidate in BCA category has also secure 65 marks. In this regard, it is submitted that, the petitioner has secured equal marks to the last candidate selected under BCA Category. However, the petitioner was not included in the selected list for the post in question as the date of birth of last candidate selected under BCA Category is 08.03.1986 and the petitioner being younger in age (DOB-15.11.1990) than the last selected candidate was not considered for the said post.*

*Hence, as it is clear from the above submission that the petitioner being younger in age than the last selected candidate was not considered for the said post. The copy of the resolution regarding determining inter-se-merit of the candidate dated 25.09.2015 is enclosed as Annexure R-2/1. The relevant*

*portion of resolution is reproduced as under:-*

*“The orders of Hon’ble Supreme Court in case of Prem Singh Versus Haryana State Electricity Board reported as 1996(4) SLR 661, wherein the appointments have been restricted to the extent of the advertised vacancies, should be followed meticulously. Thus, the selection of the last candidate in each category as per inter-se merit, if in case there are more than one candidate having equal marks in written examination and interview/ viva-voce combined, will be determined with reference to the date of birth i.e. the older in age will get precedence over the younger one.*

*In case two or more candidates have the same aggregated score and same date of birth, the inter-se merit shall be decided by the higher score achieved in the written Examination”.*

*Further, the instant petition was listed for hearing on 09.10.2020 and the Hon’ble Court on the said date passed the following orders, the relevant part is reproduced as under:-*

*“The Secretary of Haryana Staff Selection Commission shall file an affidavit annexing therewith the detailed marks obtained by the petitioner as also the last five selected candidates in the petitioners’ category, also showing as to whether in the petitioners’ category, also showing as to whether or not the petitioner has been granted marks on the socio-economic criterion and if not, why not”.*

*In this regard, it is pertinent to mention here that the detail marks of the petitioner and of last five selected candidates in the petitioner’s category i.e. BCA is mentioned as under:-*

Detail of petitioner:-

| Sr. No. | Roll Number | Candidate detail            | W_ marks 90 | Is Govt. Job in family | Is widow | Is Fatherless | Is Denotified | Exp. Marks | Socio Economic & Exp. 10 Marks | G. Total 100 |
|---------|-------------|-----------------------------|-------------|------------------------|----------|---------------|---------------|------------|--------------------------------|--------------|
| 1.      | 9991259549  | Renu Rani<br>F_Name:-Rajbir | 60.00       | N 5                    | N 0      | N 0           | N 0           | 0.00       | 5.00                           | 65.00        |

Detail of last five selected candidates:

| Sr. No. | Roll Number | Candidate detail                                                             | W_ marks 90 | Is Govt. Job in family | Is widow | Is Fatherless | Is Denotified | Exp. Marks | Socio Economic & Exp. 10 Marks | G. Total 100 |
|---------|-------------|------------------------------------------------------------------------------|-------------|------------------------|----------|---------------|---------------|------------|--------------------------------|--------------|
| 1.      | 9990031071  | Dinesh Kumar<br>F_Name:-<br>Kailash Kumar<br>DOB:04/11/1984<br>Category: BCA | 60.00       | N 5                    | N 0      | N 0           | N 0           | 0.00       | 5.00                           | 65.00        |
| 2.      | 9990346126  | Komal Verma<br>F_Name:-<br>Hariom Verma<br>DOB:16/01/1986<br>Category: BCA   | 60.00       | N 5                    | N 0      | N 0           | N 0           | 0.00       | 5.00                           | 65.00        |
| 3.      | 9990398399  | Virender<br>F_Name:-Alisher<br>DOB:08/03/1986<br>Category: BCA               | 60.00       | N 5                    | N 0      | N 0           | N 0           | 0.00       | 5.00                           | 65.00        |
| 4.      | 9991240325  | Rafik Khan<br>F_Name:-Lilu Khan<br>DOB:20/01/1985<br>Category: BCA           | 60.00       | N 5                    | N 0      | N 0           | N 0           | 0.00       | 5.00                           | 65.00        |
| 5.      | 9991373684  | Ramesh Kapoor<br>F_Name:-<br>Manphool<br>DOB:10/01/1986<br>Category: BCA     | 60.00       | N 5                    | N 0      | N 0           | N 0           | 0.00       | 5.00                           | 65.00        |

The copy of the result sheet is annexed as Annexure R-2/2 (Colly.).

Hence, in view of the submissions made above, it is respectfully prayed that the present writ petition may kindly be dismissed in the interest of justice”.

The petitioner, no doubt, secured 65 marks (60 marks in written examination plus 5 marks in socio-economic criteria), which is equivalent to the last selected candidate in the BCA category. Since the last selected candidate, in the BCA category, was born on 08.03.1986 and was elder to the petitioner, therefore, he has been selected.

Keeping in view the aforesaid facts, no order is required to be passed in the present petition and hence, the same is disposed of as such.

(Anil Kshetarpal)  
Judge

February 11, 2021  
“DK”

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