

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

**CWP No. 22008 of 2020 (O&M)
Date of Decision:07.01.2021**

Saurabh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Jasbir Mor, Advocate for the petitioner.

Mr. Sharan Sethi, Addl. A.G. Haryana.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner is aggrieved of his non selection and appointment to the post of Clerk under the General Category.

Case projected on behalf of the petitioner is that advertisement dated 20.06.2019 was issued by the Haryana Staff Selection Commission inviting applications for recruitment to the post of Clerks under different Departments and Corporations of the State of Haryana.

Petitioner belongs to the General Category.

Precise grievance put forth is on the basis of the written examination in which he had appeared as also being entitled to 5 marks for the social economic criteria as laid down in the advertisement he has secured 69 marks which was the cut off determined by the Commission for the

General Category candidates and as such inspite of having secured the same marks as assigned to the last selected candidate, he has been denied the benefit of appointment.

An advance copy of the petition had been served upon the State of Haryana.

Mr. Sharan Sethi, learned Additional Advocate General, Haryana, at the outset concedes that as per applicable selection criteria/parameters, petitioner has secured 69 marks and is at par with the last selected candidate in the General Category for the post of clerk in terms of merit.

State Government has, however, justified the non-selection of the petitioner in terms of referring to a decision that had been taken by the Haryana Staff Selection Commission in its meeting held on 25.09.2015 and a copy of the proceedings of which have been forwarded by way of email. The same is taken on record as Mark 'A'.

Perusal of the document at Mark 'A' would reveal that a decision had been taken by the Haryana Staff Selection Commission on the subject of determining inter-se merit of candidates. It had been decided that in case, more than one candidate has secured equal/same marks in written examination and interview/viva-voce combined the inter-se merit will be determined with reference to the date of birth i.e. the older in age will get precedence over the younger one.

State Counsel has apprised the Court that the petitioner herein namely Saurabh is approximately four years younger to the last candidate selected who otherwise has secured equal marks.

It is based upon such decision taken by the Haryana Staff Selection Commission on 25.09.2015 and which has been applied across the Board insofar as the recruitment process initiated vide advertisement dated 20.06.2019 that the petitioner has been deprived of selection and appointment to the post of Clerk in the General Category.

In view of the above, no infirmity is found in the action of the Commission/State Government in denying to the petitioner appointment to the post of Clerk.

No interference as such is warranted.

Petition is disposed of.

It would, however, be open for the respondent authorities to consider the name of the petitioner to be kept in the waiting list in the eventuality of the same being prepared in accordance with law.

(TEJINDER SINGH DHINDSA)
JUDGE

January 07, 2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No