

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

CWP No. 2610 of 2021 (O&M)

Date of Judgment: 14.7.2022

Vikram Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J.S. Jangu, Advocate
for the petitioner.

Ms. Harsh Rekha Kapoor, AAG, Haryana.

JAISHREE THAKUR, J.

1. The present writ petition has been filed seeking a writ in the nature of Mandamus directing respondent No.2 to revise the result of the selection to the post of male Constable General Duty and to include the name of the petitioner herein in the select list, by granting him the benefit of 5 marks on account of socio-economic criteria as there is no person from among the family members of the petitioner who is or has been a regular employee in any Department, Board, Corporation, Company, Statutory Body, Commission, Authority of Government of Haryana or any other State Government or Government of India.

2. In brief the facts, as stated, are that the petitioner applied to be appointed as Male Constable (G.D.) in the Scheduled Caste category pursuant to the advertisement as issued by the Haryana Staff Selection Commission. The petitioner appeared in the test conducted and qualified the

same. Thereafter, he was called for physical screening test and on qualification, he underwent physical measurement test as well. The petitioner thereafter was called for scrutiny of his documents and he was assured that due marks would be given to him on the basis of the certificates and the documents submitted by him. However, the petitioner was surprised to see that his roll number was not reflected either in the result published on 28.2.2019 or in the waiting list published on 2.4.2019. On scrutiny of the marks allotted, the petitioner came to know that he has been given 42.4 marks in the written examination and 7 marks for higher qualification, totaling 49.4 marks. However, he had not been given 5 marks on account of socio-economic criteria as no person from among the petitioner's father, mother, spouse, brothers, sisters, sons and daughters is or had been a regular employee in any Department, Board, Corporation, Company, Statutory Body, Commission, Authority of Government of Haryana or any other State Government or Government of India. It is submitted that at the time of verification of the documents, the petitioner had produced all the requisite documents and, therefore, 5 marks ought to have been given to the petitioner on account of socio-economic criteria, as per the government notification dated 13.2.2018 (Annexure P/7), which would have brought him in the zone of consideration in the select list.

3. Pursuant to the notice of motion, a short reply by the Secretary (Legal), Haryana Staff Selection Commission has been filed, stating therein that the petitioner herein would not be entitled to invoke the extra-ordinary writ jurisdiction of this Court as no fundamental right of the petitioner has been infringed. It is submitted that the petitioner would not be entitled to 5

marks, as in the online application form submitted by the petitioner, he had not claimed the benefit, as he had mentioned “No” qua column “**Socio Economic Criteria:** 1. Any person from among the applicant's father, mother, spouse, brothers, sons is, was or has been a regular employee in any Department, Board, Corporation, Company, Statutory Body, Commission, Authority of Government of Haryana or any other State Government or Government of India”. Even at the time of scrutiny form, the petitioner had mentioned “Not Applicable” qua the column “5 (a). Socio-economic criteria & Experience”, and therefore, he was not entitled to 5 marks on account of having no family member in the Government service. It is further submitted that the petitioner had been given additional marks for post graduation as claimed by him.

4. I have heard learned counsel for the parties and have perused the the online application form annexed with the writ petition as Annexure P/2 as well as the scrutiny form annexed with the reply as Annexure R2/1.

5. The petitioner while applying online had categorically filled in “No” against column which reads as “Any person from among the applicant's father, mother, spouse, brothers, sons is, was or has been a regular employee in any Department, Board, Corporation, Company, Statutory Body, Commission, Authority of Government of Haryana or any other State Government or Government of India”, while also filling in “No” against column, if the applicant was orphan, whose father had died before the applicant had attained the age of 15 years as well as “No” qua the column asking, whether the applicant belongs to a denotified tribe or Nomadic tribe of Haryana, which is neither a Scheduled Caste nor a

Backward Class. It is also interesting to note that the petitioner had given the necessary details regarding his reserved category and his qualification. The scrutiny form appended as Annexure R2/1 would also reflect that the documents attached with the online form were duly considered and necessary marks for his higher qualification were awarded to him. The petitioner himself had filled in column as “*Not applicable*”, meaning thereby he was not claiming the benefit of additional 5 marks on account of socio-economic criteria, which might have held him entitled to it, if he had claimed.

6. Therefore, at this stage, 5 marks on account of no family member being in regular government employee in any Department, Board, Corporation etc. of the Government of Haryana or any other State Government of Government of India cannot be granted to him, particularly when the selection process is already complete.

9. For the reasons afore-stated, the writ petition is dismissed being devoid of merit.

14.7.2022
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No