

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

CWP-3790-2022

Date of decision: February 25, 2022

Ankit

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sunil K. Nehra, Advocate
for the petitioner.

Mr. Sharan Sethi, Additional AG Haryana.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seek issuance of a writ in the nature of Mandamus directing the respondent-Haryana Staff Selection Commission to deduct 5 marks which have been granted to the petitioner under Socio-Economic Criteria.

2. Learned counsel for the petitioner submits that the petitioner applied for the Group-D post under the ESP-SC category. In the advertisement dated 26.08.2018 for the posts of Group D, it was *inter alia* mentioned that 5 marks would be granted under the head Socio-Economic Criteria, if no person from among the applicant's father, mother, spouse, brothers and sons is/was/has been regular employee in any

Department/ Board/ Corporation/ Company/ Statutory Body/
Corporation/ Company/Statutory Body/ Commission/
Authority of Government of Haryana or any other State
Government or Government of India. He submits that since the
said practice was being exercised by the Haryana Staff
Selection Commission for the first time in the year 2018,
therefore, under the *bonafide* belief, petitioner submitted his
application stating that no member from his family is in
government service. However, brothers of the petitioner are in
government service though they have separate ration cards and
family ID and are also staying separately. After finalization of
the result, appointment letter dated 10.02.2022 (Annexure P-5)
has been received by the petitioner from the Director General,
Animal Husbandry and Dairying Department, Haryana
through Deputy Director, Intensive Cattle Development
Project, Sirsa. Later, the petitioner came to know that 5 marks
are not to be granted, if the brothers of the applicant are in
Government service even if they have a separate ration card
and separate family ID. He further submits that the petitioner
will join only if candidate of the same category i.e. SC (ESP)
having 32 marks or less have joined on the post of Group D.
He therefore, prayed that 5 marks awarded against the Socio-
Economic Criteria to the petitioner be deducted. Hence, the
present petition.

3. Learned counsel for the petitioner submits that present petition be treated as a representation and the respondent-authority be directed to look into the grievance of the petitioner and take a decision, accordingly.

4. On advance service, learned State counsel joins proceedings and opposes issuance of notice of motion and submits that competent authority shall look into the grievance of the petitioner, accordingly and take decision in due course.

5. At this stage, learned counsel for the petitioner also agrees that let a final decision be taken, by the competent authority by treating the present petition as a representation.

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner by keeping in view the contentions raised in the present petition by treating the same as a representation and take a decision, in accordance with law.

8. Let the needful be done and administrative order be passed in accordance with law within a period of 30 days from today. In case favourable order is passed, then benefit thereof be accorded to the petitioner within a period of 30 days thereafter.

9. Disposed of accordingly.

(ARUN MONGA)
JUDGE

February 25, 2022
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No