

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

CWP-5024-2019(O&M)

Date of decision: September 06, 2022

Joginder Singh

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Suresh Kumar Kaushik, Advocate for the petitioner.

Mr. R.K.S. Brar, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned final result dated 19.01.2019 (Annexure P-9) whereby respondents had declared the petitioner as not selected on the post in Group-D pursuant to Advt. No.4/2018 dated 25.08.2018 (Annexure P-1) having scored 58 marks under SC Category, without awarding 5 marks towards Socio Economic Criteria.

2. Pledged case is that the petitioner applied for the post in Group-D under SC Category against Advertisement dated 25.08.2018 (Annexure P-1). Vide notice dated 08.10.2018 (Annexure P-5), respondent No.2 published an examination notice announcing criteria for recruitment and notifying the dates of written examination. Written examination was conducted and respondent No.2 issued notice dated 07.12.2018 (published on 15.12.2018) (Annexure P-8) publishing answer keys and calling objections regarding the same. Final result (Annexure P-9) was declared on 19.01.2019. As per

answer key, petitioner secured 58 marks and 5 marks towards Socio-Economic Criteria had not been awarded to the petitioner on the ground that he has given declaration that none of his family members is working in Haryana Government, but, real brother of the petitioner is working in Haryana Government for the past 14 years as JBT Teacher. However, he is residing separately from petitioner's family for the last 4-5 years as pleaded by the petitioner.

3. I have heard rival contentions of learned counsel for the parties and perused the record.

4. Criteria for Socio-Economic and experience mentioned as Clause II in the notice dated 08.10.2018 (Annexure P-5) by the respondent-Commission is as under:-

“II. Socio-Economic criteria and experience 10 marks
a) If no person from among the applicant's father, mother, spouse, brothers and sons is, was or has been 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.
(5 marks)”

5. Perusal of the above criteria clearly reflects that 5 marks are to be awarded towards Socio-Economic Criteria only to a candidate, in case none of his/her family members mentioned therein is, was or has been 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. Concededly, brother of the petitioner has been serving as JBT Teacher with the Haryana Government. I see no reason as to why the petitioner should steal march over others when the criteria was applied across board to all. If the petitioner is allowed 5

additional marks as claimed, the same would amount to discrimination by way of judicial orders. Such a course is not permissible.

6. Matters of criteria are best left to the makers of it, in this case, State of Haryana and this Court shall not superimpose its own views in the policy domain. Trite to say, that would amount to transgressing into the uncharted territory which this Court ought not to. Needless to say, criteria in question has been applied across board *qua* all other similarly situated candidates and it is not the case where petitioner has been meted out with any hostile discrimination.

7. No grounds for interference are made out.

8. Dismissed.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 06, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No