

114.

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

CWP-5145-2022

Date of Decision: 15.03.2022

(Heard through VC)

MUKESH

.... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Abhimanyu Singh, Advocate, for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

JAISHREE THAKUR.J (Oral)

1. Through the present writ petition filed under Articles 226/227 of the Constitution of India, the petitioner seeks issuance of a writ in the nature of mandamus directing respondent No.2 i.e. Haryana Staff Selection Commission (for short, 'Commission') to grant him 5 marks extra under the socio-economic criteria.

2. Briefly stated, vide advertisement No.3 of 2021, dated 15.06.2021, Category No.01, the Commission invited online applications for 400 posts of Sub-Inspector (Male) of Group C and the petitioner participated in the selection process for appointment to the said post under Scheduled Caste category. The petitioner received the Admit Card on 14.09.2021, cleared the written examination and thereafter, he was called for the physical screening test, which he also cleared. His documents were verified which were called for by the office of the respondent-Commission. The petitioner was required to give an undertaking which he gave on 21.10.2021, wherein it was stated that neither the

petitioner nor his any family member is/was in any government service. The final result was prepared on 31.10.2021 which figured the name of the petitioner. However, when the final result was revised on 28.02.2022, it did not mention the name of the petitioner on the basis that 5 extra marks cannot be awarded for socio-economic criteria as the petitioner had given a wrong undertaking that there is no one in his family who is/was in government service, whereas his father was in government service.

3. Learned counsel appearing on behalf of the petitioner would submit that it is an admitted fact that the petitioner's father was in government service. He had served as Patwari in the Revenue Department, however, because of corruption charges, an FIR No.17, dated 09.05.2007 was registered against him under Section 7 and 13 of the Prevention of Corruption Act, 1988 at Police Station SVB, Hisar and his services were terminated and the writ petition filed before the High Court was also dismissed. Counsel has argued that at the time of furnishing the said undertaking, there was no one in his family who was serving in government job.

4. I have heard learned counsel for the petitioner and perused the paper book.

5. The facts of the case are not in dispute. Pursuant to advertisement No.3 of 2021, dated 15.06.2021, Category No.01, whereby 400 posts of Sub Inspector (Male) were advertised, the petitioner applied for the same under Scheduled Castes category and also claimed the benefit of 5 additional marks on account of socio-economic status. He appeared in the tests and cleared the same. The final result was prepared and his name figured therein, however, on revision of final result, his candidature was rejected on account of his wrong

undertaking that there is no one in his family who is/was in government service.

The relevant portion of the undertaking given by the petitioner on 21.10.2021 reads as under:-

“(3) That neither the applicant nor any person among the applicant's family viz. father, mother, spouse, brothers and 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.”

From a reading of said undertaking, it is clear that there should be no one in the applicant's family which includes father, mother, spouse, brothers and sons, who “is/was” in government service. However, in the present case, admittedly petitioner's father was in government service i.e. a Patwari in Revenue Department, whose services had been terminated on corruption charges in the year 2009. He filed a writ petition before this Court which was also dismissed. The argument of counsel for the petitioner that at the relevant time when the petitioner gave the undertaking on 21.10.2021, there was no one in his family who was in government service, is negated by the fact that his father “was” in government service and that fact is against his undertaking. The petitioner in his undertaking has further stated that he fully understand that the marks under the socio-economic criteria were to be given to him on the basis of the information supplied by him and in case, his information is found to be wrong at any stage, his services may be terminated.

6. The petitioner was well aware of the criteria in the advertisement inviting applications for the post of Sub-Inspectors by the Haryana Staff Selection Committee, and on what basis a person could claim 5 additional

marks on account of his socio-economic status. Clause 2.3 of the Criteria for selection examination and syllabus of the advertisement (Annexure P-1) specifically mentions that 80 marks is towards knowledge test with additional weightage of 10 marks for additional qualification such as education, NCC and 10 marks towards socio-economic status of the applicant i.e. five marks would be given to the candidates, who does not have a family member nor had a family in a government or semi-government job. Besides, five marks would be given if the applicant is a widow or first/second fatherless child. The undertaking furnished was found to be false as the father of the petitioner *was* in Government service but removed on account of corruption charges. Though at the time when the petitioner gave undertaking, the father who had served in Revenue Department as government servant stood terminated, yet the fact remains that he “was” in government service and that fact was concealed by the petitioner while giving his undertaking. The criteria cannot be interpreted as per the convenience of the petitioner.

7. The Commission has rightly rejected the candidature of the petitioner and this Court too does not find any ground for interference. The writ petition is dismissed accordingly.

15.03.2022
sanjeev

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No