

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

CWP No.5983 of 2022 (O&M)
Date of Decision: March 24, 2022

Ashish and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.S. Malik, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed by the petitioners under Article 226/227 of the Constitution of India for the issuance of a writ, order or direction, especially in the nature of *certiorari* for quashing the revised final result dated 28.02.2022 (Annexure P-17) for the post of Sub Inspector (Male) in Haryana Police against advertisement No.3/2021 category No.1 vide which the roll numbers of the petitioners herein have not been included in the revised result and have been declared as rejected candidates without considering the admitted facts and circumstances of the case.

In brief, the facts of the case are that the petitioners herein had applied for the post of Sub Inspector (Male) pursuant to the advertisement dated 15.06.2021. Petitioner No.1 belongs to General Category. His father

died as driver in the paramilitary force (CRPF) in 1970. He had taken voluntary retirement in 1994 and expired in the year 2011. On account of this reason, petitioner No.1 claimed the benefit in the column of Socio Economic Criteria, as his father had died before he had attained the age of 15 years, as stipulated in the advertisement. Petitioner No.2 belongs to EWS category. His father was serving as driver in the Haryana Roadways and had expired in the year 2013 during service. For this reason, he claimed benefit in the column of Socio Economic Criteria, as there was no person from his family, as stipulated in the advertisement, who is/was or has been a regular employee in any department/board etc. Applications of both the petitioners were accepted by the respondents and admit cards for written examination were issued. They also appeared for physical screening test, physical measurement test and scrutiny of document and successfully cleared all the tests. Both the petitioners were selected as Sub Inspector, after grant of benefit of Socio Economic Criteria, in the final result, originally declared on 31.10.2011. Thereafter, the unselected candidates in the aforesaid selection raised objections regarding grant of marks of Socio Economic Criteria requesting for verifying the marks of the candidates, who had been selected after taking the benefit of Socio Economic Criteria. The respondents constituted a committee for verifying the authenticity of marks under the Socio Economic Criteria. Petitioners appeared before the aforesaid committee and submitted the requisite documents as per their entitlement, however, after verifying the documents, when revised result was declared on 28.02.2022, names of the petitioners were mentioned as rejected candidates.

Learned counsel appearing on behalf of the petitioners would argue that both, petitioner No.1 and petitioner No.2 were validly covered under the above said Socio Economic Criteria benefit, as such, the action of the respondents in rejecting the candidature of the petitioners for the said benefit is illegal and unjust. It is submitted that the petitioners have proved the circumstances that there is no source of income from the family members in any manner, as such, they are entitled to the benefit of 5 marks under the Socio Economic Criteria.

Notice of motion.

At this stage, Mr. Tapan Kumar, DAG Haryana, who is present in court, accepts notice on behalf of the respondents. He would argue that in fact, both the petitioners do not fulfill the criteria in order to claim the benefit under the Socio Economic Criteria, as such, there is no illegality in the revised result.

I have heard learned counsel for the parties, apart from perusing the pleadings of the case.

In the advertisement dated 15.06.2021, available on record as Annexure P-1, under clause 2.3 ***Criteria for Selection, Examination and Syllabus***, there is column of ***Miscellaneous (10% weightage):- (10 Marks)***, which is reproduced hereunder for ready reference;-

“Miscellaneous (10% weightage):- (10 Marks)

(a) (i) Five (05) marks shall be given if neither the applicant nor any person from among the applicant's father, mother, spouse, brother, and son 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.

(ii) Five (05) marks shall be given, if the applicant is;-

(i) a widow; or

(ii) the first or the second child and his father had died before attaining the age of 42 years; or

(iii) the first or the second child and his father had died before the applicant had attained the age of 15 years.”

So far as petitioner No.1 is concerned, he is claiming benefit under column 2.3, sub-clause (a)(ii)(iii) which stipulates that *five marks shall be given, if the applicant is the first or the second child and his father had died before the applicant had attained the age of 15 years.* A perusal of the pleadings would show that date of birth of petitioner No.1 is 02.12.1995 and his father had expired on 24.08.2011, meaning thereby, he was more than the requisite age of 15 years at the time of death of his father, as such, the respondents have rightly not granted benefit of 05 marks to him under the Socio Economic Criteria, as claimed.

So far as petitioner No.2 is concerned, he is claiming benefit under column 2.3, sub-clause (a)(i) which stipulates that *five (05) marks shall be given if neither the applicant nor any person from among the applicant's father, mother, spouse, brother, and son 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.* A perusal of the pleadings would show that father of petitioner No.2 served as driver in Haryana

Roadways and expired during service, meaning thereby, the applicant's father was a regular government employee, as such, the respondents have rightly not granted benefit of 05 marks to him under the Socio Economic Criteria, as claimed.

In view of the above, since the petitioners herein do not fall within the requisite parameters of Socio Economic Criteria in terms of the advertisement dated 15.06.2021 (Annexure P-1), as such, this court do not find any illegality in the impugned revised result. Consequently, the instant petition is hereby dismissed.

March 24, 2022
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No