

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

Item No.123

CWP-11392-2022 (O&M)

Date of decision: May 25, 2022

Usha Rani

...Petitioner

Versus

Haryana Staff Selection Commission and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Alankrit Bhardwaj, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of an appropriate writ being aggrieved against the action of the respondents in not considering her candidature in EWS category for selection to the post of Multi-Purpose Health Worker Female (MPHW-Female).

2. Being a widow, in terms of Clause 2.3(iii) (b) (i) of the Advertisement dated 07.09.2019 (Annexure P-1), she claims benefit under the Socio-Economic Criteria.

2. Haryana Staff Selection Commission had advertised 565 posts of Multi-Purpose Health Worker-Female (MPHW-Female), out of which 56 posts belong to EWS category. Petitioner submitted the necessary documents including the Income and Asset certificate dated 16.07.2019 (Annexure P-5) alongwith her application form. Thereafter, petitioner appeared in written examination and she was also called for physical verification of documents. Subsequently, petitioner uploaded all the necessary documents.

3. However, since the income and asset certificate was valid only for one year, a new certificate was required to be prepared for each year. Therefore, the petitioner uploaded the latest Income and Asset Certificate dated 12.08.2021 (Annexure P-9). The final result of the

selection was declared by the Commission on 18.02.2022 but the name of the petitioner did not find mention in EWS category.

4. Petitioner's grievance is that due to some mistake, on the part of respondent Nos.2 and 3, a wrong certificate dated 16.07.2019 (Annexure P-5) was issued to her. Same was meant for jobs under Govt. of India and is not acceptable to Commission. Since, the petitioner had earlier uploaded the said certificate dated 16.07.2019, she was not considered under EWS category.

5. On advance service, learned State counsel appears and submits that a decision will be taken by competent authority, either way, by passing a speaking order, in case the petitioner moves 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 instant writ petition is disposed of with a direction that in case the petitioner moves a representation within a period of two weeks, the competent authority shall decide the same as expeditiously as possible, in accordance with law.

8. Till the decision on the representation to be moved by the petitioner is taken, it is directed that one post shall be kept vacant under EWS category. Needless to say, if representation is not filed in two weeks, the commission is at liberty to offer the post in question to the candidate next in merit.

(ARUN MONGA)
JUDGE

May 25, 2022
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No