

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

CWP-9335-2022

Date of Decision: 05.05.2022

INDERJEET @ INDER JEET

...Petitioner

Versus

STATE OF HARYANA AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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

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

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *certiorari* to quash the impugned final result dated 17.03.2022 (Annexure P-6), whereby, he has been declined selection on the post of Laboratory Technician.

2. Pursuant to advertisement dated 07.09.2019 (Annexure P-1), the petitioner applied for the post of Laboratory Technician. He successfully cleared the written examination conducted by the respondent-Commission and was called for scrutiny of documents. Grievance is that he was not given appointment against the aforesaid post despite being meritorious in BCa category in which he had applied. He has secured 50 marks in the written examination and learned counsel for the petitioner submits that the petitioner was also eligible for 05 marks under Socio Economic Category as none of

his family members is/was or has been a regular government employee and another additional 05 marks under Term No.2.3(iii) c. (de-notified tribe i.e. *Vimukt Jatis* and *Tapriwas Jatis*) but the same were not awarded to him. Learned counsel further submits that if 10 marks are added to the marks of written examination of the petitioner, his aggregate would become 60 marks as the against last selected candidate under the BC-A category who has secured 57 out of 100 marks.

3. Heard.

4. Concededly, the petitioner, who belongs to Backward Class and having applied in the said category, is at the same time seeking benefit of additional 05 marks of belonging to *Vimukt Jati* relying on the criteria for grant of additional marks as per the advertisement. Relevant clause is reproduced here-in-below :-

“2.3 Criteria for Selection, Examination & Syllabus

(i) *The scheme of marks in respect of selection to the posts shall comprise of total 100 marks, as detailed below:*

<i>Sr. No.</i>	<i>Subject</i>	<i>Marks</i>
<i>1.</i>	<i>Written Exam</i>	<i>90</i>
<i>2.</i>	<i>Socio-Economic criteria and experience</i>	<i>10</i>

(ii) xxx xxx xxx

(iii) *The 10 marks for socio-economic criteria and experience shall be allocated as follows :-*

a. *If neither the applicant nor any person from among the applicant's family viz 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.*

b. *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 of the second child and his father had died before the applicant had attained the age of 15 years.”*

(5 marks)

- c. *If the applicant belongs to such a denotified tribe (VimuktJatis and TapriwasJatis) or Nomadic tribe of the State of Haryana which is neither a Scheduled Caste nor a Backward Class.”*

A perusal of the above leaves no manner of doubt that while 05 marks are to be granted on the basis of Socio-Economic criteria and that the additional 05 marks, which are sought by the petitioner for belonging to *Vimukt Jati* are granted only if an applicant is neither a Scheduled Caste nor a Backward Class.

5. As noted above, admittedly, the petitioner being a Backward Class, has been rightly denied the additional 05 marks for belonging to *Vimukt Jati*. No grounds to interfere on that score.

6. As regards the reliance placed by learned counsel for the petitioner that in certain other selection qua the post of Sub Inspector, the same very Commission has accorded 05 marks to two candidates belonging to *Vimukt Jati*, despite the fact that they belong to the Backward Class, the petitioner is at liberty to seek information from the Commission if in the current selection, any such benefit has been given to any other candidate, who belongs to de-notified tribe i.e. *VimuktJati* and has been given benefit despite being from Backward Class.

7. As of now, there is nothing on record to suggest the same and the reliance on another selection qua the post of Sub Inspector, cannot be the basis of accepting the argument of learned counsel that in the current

selection, any such benefit has been given. In any case, it is not a case of hostile discrimination as there is nothing on record to suggest that any other candidate in the current selection has been given the benefit as is being claimed by the petitioner.

8. In the premise, it is, therefore, irrelevant as to whether the instructions and/or the criteria adopted by the Commission qua the selection of Sub-Inspector is same or similar as adopted for the post in question i.e. Laboratory Technician.

9. No grounds to interfere. Dismissed.

May 05, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No