

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

**CWP-9471-2020 (O&M)**

**Date of decision: May 09, 2022**

Manjeet

....Petitioner

versus

Haryana Staff Selection Commission

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:-** Mr. R.S. Dhull, Advocate for  
Mr. Vikram Sheoran, Advocate for the petitioner.

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

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**ARUN MONGA, J. (ORAL)**

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to award 10 marks towards Socio-Economic criteria as per Advertisement No.10/2019, dated 15.06.2019 (Annexure P-1) issued for the post of Junior Engineer.

2. Learned counsel for the petitioner submits that pursuant to the Advertisement No.10/2019 dated 15.06.2019 for the post of Junior Engineers, petitioner applied for the same under EWS category. Petitioner cleared the written examination and accordingly, appeared for the scrutiny of documents. His name did not find mention in the final result because despite being deserving, he has not been awarded marks towards Socio-Economic criteria.

3. On the other hand, learned State counsel opposes the contentions.

4. Rival arguments were addressed by learned counsel for the parties on the lines of pleadings filed by their respective clients.

5. Having heard the arguments and after perusing the pleadings/record appended along therewith, position that emerges is that the sole ground for denying marks under the Socio-Economic criteria, is his having answered 'No' to question No.1 under the Socio-Economic criteria. Said question pertains to providing information *qua* any of the family members of the applicant being in Government service. Concededly, petitioner replied 'No'. However, what has been given a complete short shrift is the answer to question No.3, which is also one of the criteria to be adopted for awarding additional 5 marks under the Socio-Economic criteria i.e. whether an applicant is an orphan. To the said question, petitioner had responded by clearly replying 'Yes'. Along with the same, he had also appended the proof of being an orphan, which was overlooked ostensibly due to the answer to question No.1 under Socio-Economic criteria. Thus response to question No.3, has been completely disregarded, as aforesaid.

6. On a Court query, learned State counsel does not dispute that the other candidates, who belong to the category of being an orphan, have been given the benefit of additional 5 marks under Socio-Economic criteria. Being so, I am of the view that the petitioner was wrongly denied the benefit of additional 5 marks which ought to have been given to him for being an orphan since his status as an orphan is not under dispute.

7. Accordingly, writ petition is allowed to that extent. Respondents are directed to reconsider the candidature of the petitioner under the orphan category, subject to the verification of his status of being an orphan. If found correct, he be awarded necessary benefit thereof by giving him additional 5 marks. His merit position shall be re-assessed and he be given the benefit of

the same in accordance with law. Petitioner shall be given all consequential benefits, including seniority etc. w.e.f. the date other candidates have been appointed, but he shall not be entitled to any monetary benefits on the principle of 'No Work No Pay'.

**(ARUN MONGA)**  
**JUDGE**

**May 09, 2022**  
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No