

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

Item No.119

**CWP-11533-2022 (O&M)
Date of decision: May 26, 2022**

Renu

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. JasbirMor, 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 Mandamus for directing the respondent – Commission to consider candidature of the petitioner under Economically Weaker Section (EWS) for the post of Staff Nurse against advertisement No.15/2019 dated 07.09.2019 (Category No.10 and Category No.19) (Annexure P-3) and to place the petitioner at the appropriate place in the selection merit list dated 10.04.2022 (Annexure P-11).

2. Haryana Staff Selection Commission advertised 1,584 posts of Staff Nurse for the Health Department, Haryana and the petitioner applied under EWS category and duly uploaded the EWS certificate with the application form. Later on, petitioner came to know that the EWS certificate was not according to the Govt. Instructions because in the said certificate the income had been shown as Rs.8 lakh whereas the income should be less than Rs.6 lakh as per the Govt. Instruction. Therefore, the petitioner approached the Tehsildar to issue the EWS Certificate as per the Govt. Instructions and the same was issued. However, at the time of scrutiny of documents, she was informed by the respondents that EWS certificate of the petitioner was not in prescribed format and further that second EWS certificate was issued after the closing date, therefore, the same could not be considered.

3. Learned counsel for the petitioner states that case of the petitioner is squarely covered by the judgment (Annexure P-18) and the ration therein is equally applicable herein.

4. 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, if representation is moved by the petitioner at this stage.

5. 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.

6. Without commenting on the merits of the case, the instant writ petition is disposed of with a direction that in case representation is moved by the petitioner within 2 weeks, the same shall be decided by respondents by passing an administrative order, in accordance with law, within a period of 30 days thereafter, keeping in mind the judgment passed by this Court dated 09.05.2022 (Annexure P-18). Meanwhile, concerned Tehsildar is directed to verify income of the petitioner and if found genuine, the benefit thereof be given to her.

(ARUN MONGA)
JUDGE

May 26, 2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No