

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

CWP-21217-2021 (O&M)

Date of decision: May 09, 2022

Ajay Bamel

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Rahul Deswal, Advocate for the petitioner.

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

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of an appropriate writ commanding the respondent-Commission to consider the EWS certificate dated 11.08.2021 (Annexure P-8) submitted by the petitioner.

2. Pursuant to the advertisement No.15/2019 dated 07.09.2019 (Annexure P-1), petitioner applied for the post of Veterinary Livestock Development Assistant (VLDA) under the EWS category. At the time of applying on the said post, petitioner duly uploaded the required certificates including the Haryana domicile as well as EWS certificate. Petitioner also got prepared the Income Certificate from the competent authority as per requirement.

3. Petitioner cleared the written examination and appeared for scrutiny of documents before the Committee. Scrutiny Committee verbally declined to accept the certificate of Income and Assets for the reserved category under EWS, on the ground that said certificate was issued by the

Central Government is not acceptable for seeking reservation under EWS for the State of Haryana. Nothing in writing was provided to the petitioner in this regard. However, he was granted opportunity to submit EWS certificate issued by the State of Haryana. Accordingly, he submitted the same. He then approached respondent No.3 with his representation dated 24.09.2021 (Annexure P-9), but the same was verbally rejected stating the process of scrutiny of documents for the post in question has already been concluded.

4. I have heard learned counsel for the parties and perused the record.

5. Position that emerges is that due to certain discrepancies between the certificate dated 11.08.2021 contained at Annexure P-8 stating that annual income of the petitioner is below Rs.6 lakh as against the certificate dated 07.10.2019 (Annexure P-4) which states that annual income of the petitioner is below Rs.8 lakh, he was not considered in EWS category. Regardless of the factual assertion, which has remained undisputed, that basis of issuing both the certificates was same very verification report carried out by the Tehsildar stating that the family income is mere Rs.1.9 lakh per annum.

6. I am inclined to partly accept the writ petition to the extent that the respondents are directed to re-verify the income of the petitioner vis-à-vis the verification report submitted by one of their own official i.e. Tehsildar of the area which in turn is based on the inputs taken from the Sarpanch of the village.

7. In case, claim of the petitioner *qua* income being Rs.1.9 lakh is found correct, needless to say in that event he would meet the EWS criteria of

income below Rs.6 lakh and he shall then accordingly be accorded benefit as per applicable policy of the State under the Socio-Economic criteria.

8. Needful exercise be carried out within a period of 2 months from today and his merit thereafter, be re-assessed. If found suitable, he be given benefit of the appointment w.e.f. the same date as other candidates under the same category have been given appointment. In case, any favorable order is passed, he shall be entitled only to seniority w.e.f. the date the others were appointed, but shall not be entitled to any monetary benefits on the principle of 'No Work No Pay'.

9. Till the appropriate orders are passed as aforesaid, the respondents are directed to keep one post vacant in EWS category. Instant interim direction shall be co-terminus with the passing of the fresh order by the respondent-commission.

10. Pending applications, if any, also stand disposed of accordingly.

(ARUN MONGA)
JUDGE

May 09, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No