

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-20180-2022

DATE OF DECISION: 15.09.2022

AJAY KUMAR

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rahul Makkar, Advocate for the petitioner.

Mr. Narinder Behgal, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the action of the respondents declaring him ineligible for the post of Assistant Lineman.

Learned counsel for the petitioner submits that the petitioner had applied for the post of Assistant Lineman in the EWS category. He had submitted the EWS certificate indicating his income to be less than Rs. 8 lakh per annum along with the application form. However, at the time of scrutiny he had furnished a certificate indicating that his income was less than Rs.6 lakh per annum. There was an ambiguity in the income verification criteria as the limit of income for job under the Central government is Rs.8 lakh per annum while that under the State is Rs.6 lakh per annum. The petitioner had obtained 50 marks in the EWS category and the last selected candidate in EWS category had also obtained 50 marks.

In reply filed by the learned counsel for the respondents, it is stipulated in the advertisement that the income certificate with regard to the EWS category would have to be submitted along with the application form.

The petitioner had later submitted the requisite certificate and the same had not been taken into consideration and the candidature of the petitioner had been rejected.

Heard.

There is no dispute that the petitioner belongs to EWS category. His income is less than Rs.6 lakh per annum which is the threshold limit as prescribed by the State government. He had earlier submitted a certificate indicating his income to be less than Rs.8 lakh per annum but at the time of scrutiny he had duly furnished the certificate indicating his income to be less than Rs.6 lakh per annum. Both these certificates have been issued by the same issuing authority i.e. Tehsildar. The petitioner should not be penalized for not submitting the EWS certificate in terms of the criteria laid down by the State government earlier. A coordinate Bench of this Court in similar circumstances in a petition bearing **CWP No.21217 of 2021**, titled **Ajay Bamel Vs. State of Haryana and others**, decided on 09.05.2022, had allowed the writ petition and directed that the petitioner therein be considered under the EWS category and his merit be re-assessed.

Consequently, the petition is allowed. The respondents are directed to determine the merit of the petitioner by treating him as eligible candidate under the EWS category and in case he is found eligible for appointment then he be appointed from the date others have been appointed. He would also be entitled to the notional benefits.

(ANUPINDER SINGH GREWAL)
JUDGE

15.09.2022
SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No