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

**CM-14963-CWP-2022 in/and
CWP-20945-2022 (O&M)**

Date of Decision:22.09.2022

Kamal Sharma

.....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. D.S. Rawat, Advocate
for the petitioner.

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

ARUN MONGA, J. (ORAL)

CM-14963-CWP-2022

For the reasons stated, the application is allowed subject to all just exceptions. Short additional affidavit of the petitioner alongwith document contained at Annexure P-12 is taken on record.

CWP-20945-2022 (O&M)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing Revised Final Result dated 23.06.2022 (Annexure P-10) prepared by respondent No.2-Commission for the post of Clerk and for directing the respondents to consider the case of the petitioner for appointment to the post of Clerk (*after granting the petitioner 5 marks for socio economic criteria and experience and 2 marks for rightly attempting questions No.45 & 46 of Question Paper Series 'D'*)

2. Succinct facts first. Vide Notification No.G.S.R.

25/Const./Art. 309/2019 dated 11.06.2019 (Annexure P-1),

respondent No.1 notified the Selection Criteria for Group B posts viz. Teacher, Educational Supervisor, Teacher Educator in School Education Department and Group C posts in all departments. On 20.06.2019, respondent No.2 vide Advt. No.5/2019 (Annexure P-2) advertised 4858 posts of Clerks in various Departments/Boards & Corporations, out of which 371 posts of Clerks were reserved for EWS Category. Petitioner applied for the post of Clerk under EWS Category. On 22.09.2019, the written test comprising of 90 marks was held by respondent No.2-Commission and petitioner appeared therein. On 03.09.2020, the Commission uploaded the final result for the post of Clerk. However, the names of selected candidates and the break-up of marks (i.e. marks scored by the selected candidates in the written test and for Socio Economic Criteria and Experience) were not uploaded separately and only roll numbers of the finally selected candidates were uploaded. Only candidates 3 times the number of vacancies on the basis of written test comprising of 90 marks were called and 10 marks were kept for Socio Economic Criteria and Experience for selected candidates. Since petitioner does not fall within the zone of selected candidates due to this procedure, he is before this Court.

3. I have heard the competing arguments of learned counsel for the parties.

4. Substantially the challenge herein is to the entire selection process as well as the result declared by the Commission for the post of Clerk as per advertisement (Annexure P-1) on two

grounds, viz.,: i) That the Staff Selection Commission ought to have invited at least 7 times the number of candidates based on their performance in the written examination for the next round of scrutiny of documents, who are certainly entitled for additional marks under the Socio Economic Criteria and based on the aggregate thereof, merit list ought to have been prepared; and ii) That the petitioner's answers to question Nos.45 & 46 in Code 'D' of the Question Paper have not been correctly evaluated.

5. Adverting to second ground first, the selection process was earlier also challenged in another proceeding before this Court and I have had an occasion to deal with the merits of the evaluation of the question papers and having rendered my judgment dated 25.04.2022 passed in **CWP No.15672-2021** titled "**Amit Kumar and others Vs. State of Haryana and others**", of which the relevant part is as under:-

"In any case, the impugned result, to say the least, flies in the face of the stand taken in the return filed by Commission and cannot be sustained. It is accordingly, directed that the Commission shall carry out re-evaluation of all the candidates across board, who had participated in the selection process and declare their result afresh and thereafter prepare a new merit-list. The result dated 03.09.2020 (Annexure P-12), impugned herein, is thus quashed."

6. I find no other grounds to deal with the same questions raised herein, particularly when all the objections of the candidates across board have already been dealt with by the expert committee and it was only after seeking expert committee's opinion that final result was declared.

7. As regards the first ground, it is time tested principle of service jurisprudence that in selection matters, if 3 times the number of vacancies, candidates are invited to participate based on the written examination's performance, the same has a reasonable window provided to all the candidates to compete with each other and merely because in another selection of Sub-Inspectors, which is being relied upon by the learned Counsel for the petitioner, 7 times of the number of vacancies, candidates were invited, is no ground that in every selection it must be followed as a yardstick and, therefore, I do not find any ground that in this selection also 7 times candidates ought to have been invited.

8. Further, on a pointed Court query, the learned counsel for the petitioner fairly concedes that no candidate having lesser marks than the petitioner (he scored 61 marks) has been given appointment on the post in question after giving additional marks under Socio Economic Criteria. Being so, there is no violation of any kind of procedure while making the merit list.

9. Dismissed.

(ARUN MONGA)
JUDGE

September 22, 2022

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No