

CWP No. 2764 of 2019

2023:PHHC:140197

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(214)

CWP No. 2764 of 2019

Date of Decision : 03.11.2023

Shiv Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

***CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Ms. Tejasvi Sheokand, Advocate for  
Ms. Neha Sonawane, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

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**Harsimran Singh Sethi J. (Oral)**

1. The present petition has been filed challenging the selection, which has been made by the respondent-Commission in pursuance to the Advertisement No. 4/2018 dated 26.08.2018 (Annexure P-1)

2. As per the facts mentioned in the petition, the respondent-Haryana Staff Selection Commission issued an Advertisement on 26.08.2018 advertising 18218 vacancies of various Group-D posts to be filled up in the various Departments/Corporations/Boards of the Government of Haryana. Out of the total posts advertised, 1359 posts were reserved for the Ex-servicemen. The petitioner, who considered himself fully eligible to compete, applied in the Ex-servicemen Category for the post in question. His claim was considered and ultimately,

keeping in view the marks secured by the petitioner, he could not get selected against the advertised posts. The challenge to the selection process at the hands of the petitioner is on the ground that the petitioner was not given any marks under the Socio Economic Criteria as well as for the experience, which the petitioner had in his credit.

3. Learned counsel for the petitioner submits that in case, the petitioner would have been given marks for the experience and 05 marks under the Socio Economic Criteria, the petitioner would have secured more marks than the last selected candidate in the reserved category of Ex-servicemen, hence, the selection process undertaken by the respondents qua the petitioner was bad and the claim of the petitioner is liable to be re-considered again.

4. The reply has been filed by the respondent-Commission controverting the pleas raised by the petitioner, wherein, it has been mentioned that the claim of the petitioner has been considered as per the criteria established for selection and as the petitioner has secured 28 marks in the written examination and the said marks were the final marks on the basis of which, his claim was considered for selection/appointment and as the petitioner had secured much less marks than the last selected candidate in the Ex-servicemen Category, the claim of the petitioner could not be accepted. Learned counsel for the respondent-Commission conceded the fact that the petitioner has not been granted any marks under the Socio Economic Criteria and for his experience on the ground that the petitioner was not entitled for the same.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It is a conceded position that the selection was to be made as per the criteria mentioned in the Advertisement. As per the Advertisement, the candidates were entitled for the marks for experience as well as under the Socio Economic Criteria in case, they fulfill the terms and conditions for the grant of the said marks.

7. Qua the claim of the petitioner for the grant of marks for the experience, learned counsel for the petitioner submits that the petitioner was working with the Indian Army for a period of 16 and half years, hence, the said experience needs to be considered and he should be granted marks for the same. For examining the said claim, the relevant clause of the Advertisement needs to be reproduced. The grant of marks for the experience is mentioned in Clause-2.3 (D) of the Advertisement, which is as under :-

***“d. Experience :***

*One-half (-0.5) marks for each year or part thereof exceeding six month of experience, out of a maximum of 16 years, on the same or a higher post in any Department/Board/Corporation/Company/Statutory Body/Commission/Authority of Government of Haryana. No marks will be awarded for any period of less than six months.*

*(A maximum of 8 marks)”*

8. A bare perusal of the said Clause of the advertisement would show that only the experience for which the marks were to be granted,

should be with the Departments/ Boards/ Corporations/ Companies/ Statutory Bodies or the Commission or any authority of the Government of Haryana and not otherwise. There is no challenge to the said Clause of the advertisement in the present petition. In the absence of any challenge to the said Clause, the interpretation, which can be afforded by this Court is that only the experience with any of the authority concerned mentioned in the Advertisement can only be taken as a valid experience.

9. It is a conceded position that the experience of the petitioner was not with the Government of Haryana or any of its Department/Board/ Corporation/Company/Statutory Body/Commission or authority, hence, the claim of the petitioner for the grant of marks for the experience cannot be accepted.

10. The second point raised for the consideration by this Court is that the petitioner should be given marks under the Socio Economic Criteria on the ground that no one from his family is in the service of State or Government of India.

11. In the present case, the petitioner himself is an Ex-servicemen, who was in the service of Government of India. Learned counsel for the petitioner submits that service of the petitioner cannot be taken into account as only the other family members should not be in service of the Government of Haryana or Government of India.

12. It may be noticed that the intention behind the grant of marks under the Socio Economic Criteria is to give 05 marks to a candidate, whose family never remained in service either of Haryana or

the Government of India. Once, the petitioner was himself a member of Indian Army, the petitioner cannot say that he is entitled for 05 marks as envisaged under the Socio Economic Criteria.

13. No other argument was raised.

14. Keeping in view the above, no ground is made out for interference by this Court in the present petition.

15. Dismissed.

**November 3<sup>rd</sup>, 2023**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*