

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217-A)

CWP No. 4988 of 2019

Date of Decision : 08.08.2023

Urmila

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the claim of the petitioner is that the petitioner has not been evaluated properly qua her entitlement of marks as the petitioner has not been given the marks under the Clause 2.3(a) and (b) of Advertisement No. 4/2018 dated 26.08.2018 (Annexure P-1).

2. It may be mentioned that the respondents issued an Advertisement No. 4/2018 advertising Group-D posts. As per the criteria, mentioned for selection in the Advertisement No. 4/2018, the selection was to be made on the basis of total 100 marks out of which, the written test was for 90 marks and a candidate was entitled for 5 marks under the Socio Economic Criteria and 5 marks for experience.

3. Learned counsel for the petitioner argues that the petitioner was entitled for 05 marks under the Socio Economic Criteria, which were

not given to her and that too without any valid justification. Learned counsel for the petitioner submits that though, it is a conceded position that while filling up the application form, the said claim was not raised but before the interview, the said claim was raised before the authorities concerned, hence, respondents were under obligation to grant the petitioner 05 marks under the Socio Economic Criteria.

4. Learned counsel for the respondents submits that keeping in view the conditions mentioned in the concerned Advertisement that a candidate was required to raise a claim while filling the application form in case, he/she is claiming marks under the Socio Economic Criteria by attaching the due certificate to support the said claim and further as per the conditions in Advertisement, no claim was to be entertained after the last date of submission of the application form, hence, once the petitioner never raised claim in her application form for the grant of 05 marks under the Socio Economic Criteria, the same could not have been considered at the time of interview.

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

6. From the pleadings, it is clear that as per the conditions mentioned in the Advertisement, a candidate, who is claiming any benefit, he/she has to not only claim the same in application but also has to support the said claim with due performance certificate. Even for the grant of marks under the Socio Economic Criteria, a certificate was required to be attached and duly uploaded along with the application

form and that too before the last date of submission of the application form. Once, the said requirement was mentioned in the Advertisement in question, any violation of the same cannot be accepted.

7. The petitioner has conceded before this Court that she never claimed 05 marks under the Socio Economic Criteria in the application filled and never uploaded any certificate to support the said claim, hence, merely that on the date of interview, she produced her certificate to claim the marks under the Socio Economic Criteria, cannot make the petitioner entitled for the same as the said claim has to be raised prior to the last date of submission of application form and that too by claiming the same in the application itself.

8. Keeping in view the above, the non-grant of marks to the petitioner under the Socio Economic Criteria cannot be termed as arbitrary and illegal in the facts and circumstances of the present case.

9. Dismissed.

August 08, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No