

CWP-11588-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(106)

CWP-11588-2021

Date of decision :- 11.05.2023

Iklas

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Pallavi, Advocate for
Mr. Mazlish Khan, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana
for the respondents.

...

SUVIR SEHGAL, J (ORAL)

1. Instant petition has been filed inter alia for issuance of a writ in the nature of certiorari for quashing the final result dated 20.03.2020 and waiting list, Annexures P-4 and P-6, respectively, whereby, petitioner has not been granted 5 marks for socio-economic criteria. A direction has been sought to the respondents to grant the marks under socio-economic criteria.

2. By Advertisement No.10/2019, Annexure P-1, Haryana Staff Section Commission-respondent No.2 invited applications for the posts of Junior Engineer (Mechanical) in 4 different categories, viz. category Nos.2, 7, 21 and 26. Petitioner applied for the post as a BC-B candidate under category No.2, 7, 21. A common written test was held for all the 4 categories. As per the final result declared for categories Nos. 2, 7 and 26,

the cut off marks for BC-B candidates were 70 and the last candidate on the waiting list had 66 marks. The petitioner's roll number did not figure in the result. From the detailed result, Annexure P-5, uploaded from the website, petitioner came to know that he scored 65 marks, but 5 marks for socio-economic criteria were declined to him. He submitted a representation, Annexure P-7, but to no avail, before approaching this Court.

3. Upon notice, short reply has been filed by Commission-respondent No.2 stating that the candidates, who qualified in the written test, were called for scrutiny of documents. It has been submitted that as the marks scored by the petitioner were less than the last short listed candidate, he was not called for scrutiny of documents. It has further been submitted as under:-

“6. That the petitioner in the present writ petition has also contended that he was entitled to 5 marks under Socio-Economic Criteria as nobody in the petitioner's family is in Govt. Job. In this regard, it is submitted that the Respondent Commission consider the candidates strictly on the basis of merit secured in the written examination for further selection process. If a candidate fails to qualify the written examination, then the Respondent Commission will not consider him/her for further selection process as this will amount to injustice to those candidates who have qualified the written examination. It is further pertinent to mention here that the marks under Socio-Economic criteria are awarded to those candidates only

who are shortlisted for the scrutiny of documents and whose claim with regard to socio economic criteria marks are found genuine on the basis of documents produced by them. As the petitioner did not qualify in written examination because of lesser marks than the marks of last shortlisted candidate in BCB category. Therefore, the petitioner is not entitled for any marks under Socio-Economic criteria and is not entitled for any relief from the Hon'ble High Court.”

4. On the previous hearing, counsel for the petitioner insisted that the respondents have not declared the final result of category No.21 i.e. Junior Engineer (Mechanical). Result dated 20.03.2020 has been produced by the respondents and is taken on record. The result shows that only one post was advertised for general category candidates and the person selected against the post had 65 marks. It may be mentioned here that the result was produced on the insistence of the petitioner, though, he was not an applicant under category No. 21, as this post was not meant for BC-B candidates.

5. In view of the above position, this Court is of the view that there is no merit in the petition, which is hereby dismissed.

(SUVIR SEHGAL)
JUDGE

11.05.2023
Pardeep

Whether speaking/reasoned	Yes
Whether reportable	Yes