

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RA-CW-108-2022 in

CWP-17341-2020

Date of decision: 09.05.2023

JITENDER GOUR

...Applicant

VS

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Umesh Aggarwal, Advocate,
For the applicant/petitioner.

Mr. R.K.S.Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

This is an application for review of order dated 26.05.2022
(Annexure A-1) passed in CWP No.17341-2020.

2. Learned counsel for applicant/petitioner submits that CWP-17341-2020 was disposed of in view of order passed by this Court in CWP-15672 of 2021 titled '**Amit Kumar and others Versus State of Haryana and others**'. The dispute involved in the above stated writ petition, was with regard to re-evaluation. However, the dispute of applicant/petitioner is entirely different, as applicant/petitioner had applied under the EWS category and had secured 61 marks in the written examination. Respondents had rejected the claim of petitioner on the ground that the cut-off in the written examination was 63 marks.

2.1. Learned counsel for applicant/petitioner would further urge that petitioner is relying upon judgment dated 28.04.2022 (Annexure A-2) passed by this Court to buttress his claim that applicant herein is entitled to be considered in General category on the basis of his merit in the said category.

3. Learned State counsel contends per contra. He argues that the application herein is totally misdirected as the same has been filed on the sole basis of marks obtained in the written examination by the applicant, whereas it is

the aggregate score, which has to be seen for the purpose of selection in the category in which he is seeking benefit. He submits that applicant at this stage seeks benefit of General Category wherein no doubt cut off for the written marks is 60 but it is aggregate which has to be seen in the General category after adding marks obtained in the written examination along with marks for socio economic criteria as well as any other privileged category, as may be admissible for socio economic criteria or any other privileged category of a candidate belongs to. By adding marks towards Socio Economic criteria etc., marks obtained by the last selected candidate of General Category is 69 whereas applicant/ petitioner has obtained 61 marks in written examination and he is not entitled to any additional marks for socio economic criteria or other privileged category. He further submits that even if he is given additional marks, as is claimed by him, his aggregate would remain 66, which is below 69 marks obtained by the last selected candidate of general category.

- 4. In view of the factual position, no grounds are made out to allow the application.
- 5. Dismissed.
- 6. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

09.05.2023
vandana

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