

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(231)

CWP No. 15849 of 2021

Date of Decision : 01.08.2023

Govind

...Petitioner

Versus

Haryana Staff Selection Commission

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anurag Goyal, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, Deputy Advocate General,
Haryana.

Harsimran Singh Sethi J. (Oral)

1. Learned counsel for the petitioner submits that petitioner is competing in the General Category for the post of Junior Engineer and the only grievance of the petitioner is that he has not been given the 05 marks for the Socio Economic Criteria on the ground that he did not furnish the information required in a particular format though, the said information was already on record and that too attached with the application form qua the fact that petitioner was not 15 years of age at the time when his father died so as to be entitled for the benefit of 05 marks under the Socio Economic Criteria.

2. Learned counsel for the petitioner cites the settled principle of law to contend that in the similar circumstances, the Co-ordinate Bench of this Court while passing order in CWP No. 10860 of 2020 titled as ***Sumit Vs. Haryana Staff Selection Commission***, decided on 05.10.2021 held that the information supplied in the application form from where it can be easily

derived that if the candidate in question was less than 15 years of age at the time when his/her father died, he/she is to be considered eligible even if the information so supplied by the candidate is not in the prescribed format.

3. Learned State counsel after going through the judgment, is not able to rebut the question of law raised by the petitioner that his claim is covered by the judgment in *Sumit's case (supra)* in his favour.

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

5. The petitioner has attached his application form along with the writ petition to substantiate the averment that he had given the information that his father had died before attaining the age of 42 years as well as that his father died before he attained the age of 15 years and a certificate to the said effect was appended by him along with the application form. These facts stand conceded before this Court. The only objection being raised by the respondents is that the certificate, which the petitioner has attached, though is issued by the Naib Tehsildar but not is in a proforma appended along with the application form.

6. Once the information, which is material to grant the 05 marks in Socio Economic Criteria was available with the department and the said fact was also supported by the certificate given by the Naib Tehsildar i.e. a government official, the objection that the said certificate was not in a proforma given, cannot be treated as a valid ground to deny the benefit. The judgment in *Sumit's case (supra)*, clearly covers the said aspect in favour of the petitioner, which judgment could not be rebutted by the respondents not to be applicable upon the petitioner, hence, the question of law raised in the

present petition is clearly covered by the settled principle of law in *Sumit's case (supra)*. The denial of 05 marks in Socio Economic Criteria is totally arbitrary and illegal.

7. The respondent-Commission is directed to grant the petitioner 05 marks in Socio Economic Criteria and thereafter consider the candidature of the petitioner in the General Category keeping in view the total score of the petitioner for the post of Junior Engineer, which were advertised to be filled up in the various departments by the Government of Haryana.

8. It may be stated that in case, after granting 05 marks, the score of the petitioner is more than the last candidate appointed in the General Category against the post of Junior Engineer in any of the department as advertised vide Advertisement No. 10/2019, name of the petitioner be recommended to the appropriate department of the Government of Haryana for appointment against one of the advertised post.

9. Let the order be complied with within a period of two months from the receipt of certified copy of this order.

10. Writ petition is allowed in above terms.

August 01, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No