

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CWP No.25680 of 2018
Date of decision:21.02.2023

Mohan Sharma

... Petitioner

Vs.

Haryana Staff Selection Commission and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the final result dated 17.07.2018 (Annexure P-6) for the post of Clerk under the EBPGC Category pursuant to Advertisement No.10/2015 dated 24.11.2015 (Annexure P-1).

Counsel for the petitioner submits that the petitioner has secured 152 marks which are at par with the last selected candidate in the waiting list but the petitioner has been deliberately ignored.

Upon notice issued to the respondents, return has been filed, wherein, it has been inter alia submitted as under:-

“In this regard, it is submitted that the last selected candidate in EBPGC category has secured 154 marks and the last

selected candidate under EBP GC waiting list has secured 152 marks. It is pertinent to mention here that the petitioner has also secured 152 marks (142 in the written examination + 10 for Socio-Economic criteria) which is equal to the last selected candidate under EBP GC waiting list. However, the petitioner was not included in EBP GC waiting list for the post in question due to petitioner being younger in age. Further, it is submitted that all the candidates who have been short listed under EBP GC waiting list are elder than the petitioner i.e. Date of Birth upto year 1987. Whereas, the petitioner's Date of Birth is 10.02.1992. As per Annexure R-1/2 there are 22 candidates in between the last short listed candidate under EBP GC waiting list and the petitioner. It is further pertinent to mention here that the Commission has prepared the waiting list as per instructions Annexure R-1/3 and relevant clause of the said instruction is reproduced as under:-

“2. The matter for recommending candidates on the waiting list prepared by the Subordinate Service Selection Board and also the period of validity of the original recommendation and waiting list, has been engaging the attention of the Government. After careful consideration, Government has now decided that Board shall prepare the waiting list for the vacancies upto 25 at 25%, for vacancies between 25 to 50 at 15% and for vacancies above 50 at 10%

subject to the minimum of two candidates.

It is pertinent to mention here that in view of the above, the respondent-Commission cannot select more candidates than the number of posts. Further, in view of instructions reproduced above the respondent-Commission cannot select candidates in waiting list beyond 10% of number of posts advertised.

Hence, it is clear that the petitioner is younger than the short listed candidates in the waiting list under EBPGC waiting list, therefore, he cannot be considered for the post in question.”

In view of the stand taken by the respondent, no relief can be granted to the petitioner.

Petition is dismissed.

February 21, 2023

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(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>