

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP No.23582 of 2023
Date of Decision : 17.10.2023**

*Saroj**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Deepak Singh Saini, Advocate and
Ms. Vibha Nagar, Advocate, for the petitioner

Ms. Tanushree Gupta, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed seeking a writ of *certiorari* quashing order dated 25.9.2023, Annexure P-10, whereby the petitioner's representation/legal notice has been rejected; and the order dated 10.4.2023, Annexure P-4, whereby private respondent no.5 has been appointed as Cook under the Mid-day Meal Scheme (hereinafter referred to as 'the Scheme') launched by the government.

2. Learned counsel for the petitioner contends that private respondent no.5 has been appointed in violation of the Policy. He also contends that as per the criteria no marks for educational qualification are to be assigned, still respondent no.6, who is one of the appointees, has been assigned one mark for 10th standard examination that she has passed. It is further contended that there is a condition in the criteria that Cook-cum-Helper should be a member of Registered Self-help Group constituted by the Rural Development and Panchayat Department,

Haryana, whereas respondent no.6 has never been member of such group. This has vitiated the entire selection process.

3. Learned State counsel, appearing on advance notice, points out that as per the instructions fifty per cent posts of Cook-cum-Helper are reserved for Scheduled Caste category candidates, and the remaining are to be filled from candidates of other categories. Respondent no.6 belongs to OBC category, whereas the petitioner belongs to Scheduled Caste category. Even if one mark for educational qualification has wrongly been given to respondent no.6, that would not advance the petitioner's chances for selection since she belongs to a different category.

4. Heard.

5. A perusal of the impugned order shows that the petitioner, who belongs to a Scheduled Caste, was duly considered for appointment as Cook on the basis of criteria of selection. Her application form, despite being incomplete, was entertained. It was also found that wrong fact was mentioned in her application that her children were studying in Government Primary School, Nimbri, District Panipat. And learned counsel for the petitioner is also not in a position to dispute that at that time the petitioner's children were not studying in the Primary School, where she was to be employed as Cook. Still, her candidature was considered, and as per criteria she scored six marks against seven scored by the selected candidate in Scheduled Caste category, i.e., respondent no.5. There is nothing illegal or irregular about this selection. Further, award of one extra mark to respondent no.6, even if irregular, need not be gone into by this Court at this stage since she belongs to a different category, i.e., OBC and the petitioner cannot compete against her, nor is

her appointment under challenge.

6. In this view of the matter, there is no ground to entertain the petition.

7. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

17.10.2023
Ashwani

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