

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-24473-2023 (O&M)
Date of Decision:-31.10.2023

Dalwinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saurabh Garg, Advocate, for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner herein seeks issuance of writ in the nature of certiorari directing the respondents to consider his name in the 'selection list' for the post of Constable having duly qualified the Phase-I and Phase-II in the selection process and also having passed the computer based test.
2. Learned counsel for the petitioner submits that State of Punjab had advertised 2340 vacancies of Constables in the Technical and Support Services Cadre of Punjab Police by way of direct recruitment on 9.9.2021 and that out of said 2340 posts, as many as 234 posts were reserved for candidates belonging to Economic Weaker Section (EWS) category. The petitioner had applied against the said reserved category under the domain of "Information and technology services".
3. It is contended that the petitioner had been issued admit card and had appeared in a computer based test as well as in the physical measurement test and had also produced his latest EWS certificate issued by the competent

authority. However, when the 'selection list' was released, it was found that while other candidates who had scored lesser marks than the petitioner in EWS category had been included, but name of the petitioner was left out.

4. Learned counsel submits that since the petitioner had furnished the requisite EWS certificate dated 10.2.2021 (Annexure P-2) which was valid for year 2020-2021 and also latest certificate dated 26.5.2022 (Annexure P-5) which was valid for financial year 2022-23, he fulfilled all the criteria for being considered in EWS category.
5. Learned counsel submits that since the application of the petitioner had been accepted and no objection was ever raised as regards any deficiency in documents, the petitioner did not take any step for getting any EWS certificate issued in respect of period 2021-22 and that the petitioner has now come to know that he has not been considered on account of deficiency of the said certificate. Learned counsel submits that since the petitioner had been issued the EWS certificate in respect of the financial year prior to the year when the advertisement was issued and also in respect of the financial year subsequent to the year during which the advertisement was issued, it goes without saying that the petitioner has to be treated to be a candidate belonging to EWS category during the intervening period as well.
6. It is further contended that neither the advertisement nor the application form prescribed the requirement of the certificate in respect of the specific period 2021-22 and on account of which he did not take any step for furnishing the same.
7. Pursuant to an advance copy of petition having been served upon the the respondents, Mr. Inderpreet Singh Kang, AAG, Punjab has put in appearance

on behalf of respondent-State and has vehemently opposed the petition on the ground that since the advertisement had been issued in the month of September 2021 and the last date for submission of form was also within the month of September 2021, the petitioner was required to furnish EWS certificate valid for the year 2021-22 based on the income for the financial year 2020-21 and since the petitioner did not furnish such certificate, he could not be considered as eligible. Learned State counsel in this regard has passed on a copy of notification dated 30.10.2020 issued by Government of Punjab pertaining to reservation for Economically Weaker Sections and also various notices published online on the official website of the Punjab Police which are taken on record. Clause 5.1 of notification dated 30.10.2020 is reproduced herein under:-

“5.1 The persons belonging to the State of Punjab who are not covered under the existing scheme of reservation for SCs and BCs and whose family has gross annual income below rupees 8.00 lakh (rupees eight lakh only) are to be identified as EWSs for benefit of reservation. Income shall also include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application.”

8. A perusal of the aforesaid clause would indicate that the relevant financial year on the basis of which the status of an applicant being EWS is determined is the financial year prior to the year of application. Since, in the present case the advertisement had been issued in September, 2021, the relevant financial year as per Clause 5.1 of the Notification would be 2020-21.
9. While initially the last date that had been fixed for receipt of application was 29.9.2021 but the date for submission of documents had been subsequently

extended upto 10.2.2023. The requisite notice in this regard which had been published on the official website of the respondent is reproduced herein under:-

“Online Applications were invited from eligible candidates for recruitment of Sub-Inspectors (267 vacancies) and Constables (2340 vacancies) in Technical and Support Services (TSS) cadre of Punjab Police vide Advertisement No.7 and 6 dated 09.09.2021 respectively.

In reference to Recruitment Alert regarding submission of relevant Documents, it is intimated that the date of submission of relevant documents has been extended till 10.02.2023. The candidates can submit their relevant documents at Punjab Police Headquarters, Sector-9, Chandigarh, till 10.02.2023.

Note: No request of candidate regarding their Document submission will be entertained after 10.02.2023.”

10.A perusal of the aforesaid Clause 5.1 of Notification dated 30.10.2020 leaves no manner of doubt that it is the EWS certificate based on the previous financial year which is required to be produced by the applicant. Since, the applicant did not produce any such certificate valid during year 2021-22 during which period the posts were advertised and during which petitioner had applied, and upon query has stated that he does not have any such certificate in respect of said period even as on today, this Court does not find any ground for issuance of any direction as prayed for. The petitioner not having submitted the requisite documents entitling him for consideration in EWS category cannot stake any claim in respect of the same. Finding no merit in the instant writ petition, the same is hereby dismissed.

31.10.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No