

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

**111**

**CWP-28684-2022 (O&M)  
Date of decision: 16.01.2023**

Krishan Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Sukesh K. Jindal, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. AG Haryana.

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**HARNARESH SINGH GILL, J. (ORAL)**

Prayer in the petition under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the respondents to appoint the petitioner as Draughtsman Civil Instructor (Practical) in the Category of Economically Weaker Sections (EWS) as he fulfills the requisite criteria/essential qualifications, required for the post.

Learned counsel for the petitioner submits that respondent No.2 advertised 45 posts of Draughtsman Civil Instructor Training (Practical) in Category No. 44 vide advertisement No. 12 of 2019 dated 20.07.2019; that as per the said advertisement, 17 posts were meant for General Category, 9 for SC Category, 08 for BCA Category, 06 for BCB Category and 05 for Economically Weaker Sections (EWS) Category and that the petitioner had applied under the EWS Category. It is further submitted that the last date for submission of online application was 20.08.2019, which was subsequently extended vide public notices dated 22.08.2019 to 14.09.2019; that after considering the particular as eligible, an admit card was issued to the petitioner; that the result of the written examination was declared by respondent No.3 on 22.02.2022 and the petitioner was also shortlisted for

online scrutiny of documents and that the documents were to be uploaded from 01.03.2022 to 10.03.2022, which was further extended vide notice dated 01.04.2022. It is further submitted that the final result was declared on 28.09.2022, but the candidature of the petitioner was considered in General Category, instead of EWS Category; that upon an enquiry, the petitioner came to know that the EWS certificate issued to him was for employment in the Central Government Jobs and not in the State Government.

It is the vehement contention of the learned counsel for the petitioner that in fact, the petitioner had applied for issuance of the EWS certificate for the jobs in the State Government and inadvertently, such certificate was issued by the Tehsildar concerned, for the jobs under Central Government. He, thus, argues that authorities are required to be directed to re-issue such certificate after verifying the annual income of the family of the petitioner. In support of his contentions, learned counsel for the petitioner relies upon the decision rendered by a Coordinate Bench of this Court in CWP-21217-2021 titled as 'Ajay Bamel Vs. State of Haryana and others', decided on 09.05.2022.

I have heard the learned counsel for the petitioner and have also gone through case file.

A perusal of documents would itself reveal that the requisite certificate of Economically Weaker Sections (EWS) Category was not uploaded by the petitioner at the time of online scrutiny and thus, his candidature was considered under General Category instead of EWS Category. The petitioner pleads inadvertence on the part of the certificate issuing authority, but it does not appeal to the common prudence, as the petitioner did have ample opportunity to check the certificate issued and get it

re-issued, if it was wrongly or inadvertently issued. Pleading such inadvertence at the stage, when the selection process had already proceeded much ahead, seems to be an afterthought and therefore, there being no equity in favour of the petitioner, no indulgence can be granted.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)  
JUDGE

16.01.2023  
*Mangal Singh*

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |