

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

CWP-3069-2022 (O&M)

Date of decision: 26.07.2024

Hari Om

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kshitij Sharma and
Ms. Tamanna Banwala, Advocates for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana

AMAN CHAUDHARY, J.

1. The grouse of the petitioner before this Court is that he has not been considered under the EWS category, despite fulfilling all the required conditions, as well as, having secured 57 marks, which were more than 56.5, the cut off for the waiting list.
2. In response to an advertisement dated 07.09.2019, Annexure P-3-A, last date of which was originally 09.10.2019, the petitioner being aspirant for appointment to the post of Veterinary Livestock Development Assistant, applied under the EWS category, in support whereof, he initially uploaded the certificate dated 09.04.2019, Annexure P-3, valid for the period 2019-20, a fact admitted.
3. Noteworthy to mention, on the insistence of the respondent during scrutiny on 22.09.2021, of the most recent valid EWS certificate, the petitioner dutifully produced the one dated 28.07.2021, Annexure P-7, appertaining to the period 2021-22, which was even uploaded in view of the fact that by way of a public notice dated 16.08.2021, Annexure P-8, the closing was extended, perspicuously mentioning it to be 06.09.2021. However, a contrary stand has been

taken in the written statement that the last date of submission was 03.02.2020 and the certificate for 2021-22 was of a date subsequent thereto. Thus, on the premise that the said certificate differed from the one which was uploaded with the original application form, he was declared ‘Not Eligible’.

4. It is evincible from the record that the petitioner had, in his possession EWS certificates of all relevant years, that is on the last date of submission of form, which was to determine his eligibility, concededly uploaded with the form and at the time of scrutiny as also even for the intervening year 2020-21, Annexure P-5, to which a pointed reference was made during the course of hearing by the learned counsel. The approach of the respondents therefore, is misconceived, to say the least.

5. To condone this malfeasance of the respondent, particularly when the matter at hand is regarding the livelihood of an individual, would be contrary to fair play, good conscience and equity. Therefore, should the petitioner present the certificate that was uploaded with the application form, as acknowledged, he be considered for appointment, provided he meets the merit criteria. Needful be done within a period of two months from when a certified copy of this judgment is received by the respondents.

6. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

26.07.2024
ashok

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