

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

(233)

CWP-3252-2023

Date of Decision : January 20, 2024

Ajit Singh**.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Banka Bihari Panda, Advocate, with
Mr. Raj Shri Sharma, Advocate and
Ms. Shivani Sharma, Advocate, for the petitioner.

Mr. Sandeep Singh Mann, Addl. A.G., Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance which is being raised by the petitioner is that the candidature of the petitioner has wrongly been cancelled by the respondents on the ground that wrong information has been supplied by him while competing for the post as advertised by the respondents vide Advertisement dated 07.09.2019 (Annexure P-1) by which, 307 posts of Laboratory Technician were advertised.

2. Learned counsel for the petitioner submits that while filling the form, the petitioner claimed the benefit of five marks under the socio economic criteria under the clause that no family member of the petitioner is or was in Government service. Learned counsel for the petitioner further submits that during the scrutiny, the candidature of the petitioner was cancelled on the ground that the brother of the petitioner was in the service of Government of Haryana. Learned counsel for the petitioner argues that the said cancellation of the candidature is bad in law as by the time, the

advertisement was issued, the brother of the petitioner had already died hence, the petitioner rightly claimed the five marks under the socio economic criteria as at the time of filing of the application, no one from the family was in Government service.

3. After the notice of motion, the respondents have filed the reply stating that as per the conditions of the advertisement, in case any false information is supplied and on the basis of which, any benefit is being derived by any candidate, the candidature of the said candidate was to be cancelled.

4. Learned counsel for the respondents submits that keeping in view the language of the clause of the advertisement under which five marks were to be granted, it was clearly mentioned that nor family member of the candidate should be in service or was in service so as to be entitled for five marks whereas, the brother of the petitioner had died prior to the issuance of the advertisement but the brother of the petitioner was in service of Government of Haryana, which fact was required to be disclosed and if the said fact would have disclosed, the petitioner would have been ineligible to get five marks which he got by misleading the Department by filling wrong information in that application form.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The only controversy is whether, the petitioner had supplied incorrect information in the form or not. The said fact is to be ascertained keeping in view the language of the scheme which stated/mentioned five marks under the socio economic criteria was to be granted. The relevant clause of the advertisement under which the petitioner claimed five marks is

as under:-

“ (3) That neither the applicant nor any person among the applicant’s family i.e. father, mother, spouse, brothers and son is, was or has been regular employee in any Department/Board/Corporation/ Company/ Statutory Body/ Commission/Authority of Government of Haryana or any other State Government or Government of India.”

7. A bare perusal of the above reproduction would show that if any family member of the applicant i.e. father, mother, spouse, brother or son is, was or has been a regular employee in any Department, Board, Corporation, Company, Statutory Body, Commission, Authority of the Government of Haryana or any other State Government or Government of India, the said candidate will not be eligible for the benefit of five marks. The language is very clear. Hence, even if the brother of the petitioner had died prior to the advertisement, still his brother would have been covered by the said definition so as to oust the petitioner to claim five marks. Similarly, in case any family member who was in service or might have been retired from the service and is no longer serving, will also be covered under the above said clause so as to be ineligible qua the said five marks under the socio economic criteria.

8. Keeping in view the language of the clause, the petitioner knowingly claimed five marks but stating that none of his family member is, was in Government service though his brother was in Government service, which is a conceded fact.

9. The terms and conditions of the advertisement are sacrosanct and in case any candidate supplies wrong information knowingly, his/her candidature is required to be cancelled, which Rule has been followed in the case of the petitioner.

10. No ground is made out for any interference by this Court in the facts and circumstances of the present case.
11. Dismissed.

January 20, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes