

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

CWP-5061-2024

Date of Decision: 06.03.2024

SATISH KUMAR

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Divyam Singh, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance of the petitioner is that the petitioner is entitled for 05 marks under the socio-economic criteria as the petitioner belongs to the denotified tribe.
2. Learned counsel for the petitioner places reliance on clause (c) of the essential qualifications wherein 05 marks have been allotted to an applicant who belongs to a Denotified Tribes (Vimukt Jatis and Tapriwas Jatis) or Nomadic Tribe of the State of Haryana which is neither a Scheduled Caste nor a Backward Class.
3. Learned counsel for the petitioner further submits that the petitioner is entitled for the benefit of 05 marks under the said Clause which benefit has not been extended to him.
4. Notice of motion.
5. On the asking of the Court, Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and submits that the Clause (c), has been

wrongly interpreted by the petitioner as, the petitioner has applied under the Scheduled Caste category so as to compete for the post in question which is clear from his application form hence, once the Tribe to which the petitioner belongs has already been notified as a Scheduled Caste and the petitioner has already applied under the Scheduled Caste category, no benefit of 05 marks under the socio-economic criteria being a member of a denotified tribe can be extended to the petitioner.

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

7. The only question which arises is whether the petitioner is entitled for the 05 marks on account of belonging to a Denotified Tribe or a Nomadic Tribe as being claimed in the present petition. The relevant Clause under which the benefit is being sought is reproduced as under

If the applicant belongs to such a denotified tribe (Vimukt Jatis and Tapriwas Jatis) or Nomadic Tribe of the State of Haryana which is neither a Scheduled Caste nor a Backward Class.

8. A bare perusal of the above Clause would show that the only a denotified tribe or a nomadic tribe, which is neither a part of the Scheduled Caste or Backward Caste category, can be granted the benefit of 05 marks.

9. In the present case, it a conceded position that the Tribe to which the petitioner belongs is already notified under the Scheduled Caste hence, the petitioner who has already applied for the post in question under the Scheduled Caste category, is not entitled for 05 marks which is made clear from the plain reading of the Clause under which benefit is being claimed.

10. Keeping in view the above, no ground for intereference by this Court is made out for granting the 05 marks to the petitioner. The present petition is dismissed.

(HARSIMRAN SINGH SETHI)
(JUDGE)

06.03.2024

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