

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

112+246

CM-17215-CWP-2023 in /and
CWP-10083-2022 (O&M)
Decided on : 18.01.2024

Amit

...Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Govind Mor, Advocate for
Mr. Jasbir Mor, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-17215-CWP-2023

Prayer in the present application is for placing on record the replication by the petitioner to the short reply filed on behalf of respondents No. 1 & 3.

In view of the averments enumerated in the present application, the same is allowed. Consequently, a copy of the replication filed on behalf of applicant/petitioner is ordered to be taken on record.

CWP-10083-2022

In the present petition, the grievance of the petitioner is that five marks under Socio Economic Criteria for Orphan (fatherless) candidates, for which the petitioner is entitled for has not been given to him, which is causing prejudice to the petitioner otherwise, the petitioner would have been within the zone of consideration for selection to the post of Staff Nurse.

Certain facts needs to be mentioned for correct appreciation of

the issue in hand.

The respondents issued an advertisement No. 15 of 2019 dated 07.09.2019, copy of which has been annexed as Annexure P-4, for the post of Staff Nurse. The petitioner applied for the said post. In the application form for the post in question, the petitioner claimed certain benefits under the Socio Economic Criteria with regard to the fact that nobody in the family of the petitioner is in employment with the Government of Haryana so as to claim five marks. With regard to the claim of five marks under Socio Economic Criteria being Orphan, the petitioner mentioned in the application form that he was not entitled five marks under the Socio Economic Criteria being Orphan. The petitioner competed but could not get the marks required to be called for the interview. Thereafter, the petitioner raised a grievance that as per the criteria for the grant of five marks under socio economic criteria, the petitioner being an Orphan (fatherless) was also entitled for the five marks which should have been given to him.

After notice of motion, the respondents have filed the reply wherein the respondents have mentioned that in the application form filled up by the petitioner, the petitioner with regard to the claim of five marks under Socio Economic Criteria for being Orphan (fatherless), the petitioner has mentioned 'No'.

Learned counsel for the respondents further submits that no such document showing that the petitioner is entitled for the said benefit was either attached with the application form so as to grant the benefit of Five marks under Socio Economic Criteria to the petitioner.

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

The candidature of an applicant, is to be evaluated on the basis of the information supplied by him/her in the application form for the post in question. In the advertisement itself, it was mentioned that wherever a candidate is seeking marks under Socio Economic Criteria, the same should be supported by a certificate issued by a competent authority. It is conceded position, that for the grant of five marks under socio economic criteria for being Orphan, a certificate from the appropriate authority was required to be attached with the application form so as to claim the said benefit by the candidates.

In the present case, the petitioner conceded before this Court that not only in the application form the petitioner mentioned 'No' with regard to the claim of five marks under Socio Economic Criteria for being Orphan (fatherless) but he also did not attach any certificate to claim the benefit of five marks under said Criteria being Orphan (fatherless). That being the factual position, the petitioner cannot turn around and submit that he inadvertently failed to raise his claim for five marks under Socio Economic Criteria being Orphan (fatherless). Once, while filling up the application form for the post in question, the petitioner did not raise the claim for particular marks which were available to him hence, after the result of the written examination and the finalization of the selection for the post in question, the petitioner can not turn around so as to claim the said marks under Socio Economic Criteria being Orphan on the ground that he inadvertently failed to claim the marks under the Socio Economic Criteria being Orphan (fatherless) and that should not come in his way to claim the said benefit.

The terms and conditions of the advertisement are very clear that

after the last date to fill up the application form for the post in question, no change in the information given in the application form will be entertained under any clause and once in the advertisement, particular terms and conditions have been mentioned in the advertisement qua the eligibility of a candidate for the post in question and documents to be uploaded along with application form alongwith the required information in the application itself, the same has to be treated as a sacrosanct and is to be complied with by everyone who intend to compete for the post in question.

Keeping in view the facts and circumstances of the present case recorded herein above, no ground is made out for inference in the present case, hence the present csase stands **dismissed**.

Pending civil miscellaneous application, if any, shall also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

18.01.2024
Riya

Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: Yes/~~No~~