

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-10155-2022 (O&M)
Date of decision: 23.08.2024

Parmil

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Navnit Sharma, Advocate for
Mr. R.S. Dhull, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

AMAN CHAUDHARY, J.

1. The grouse of the petitioner is the non-consideration of her candidature against the EWS Category for appointment to the post of Staff Nurse.
2. Before proceeding with the matter, it would be apposite to refer the relevant portion of the advertisement, that reads thus:

“2.4 REGULATORY FRAMEWORK
Note:-

xxx

xxx

xxx

2. Claim under the socio economic criteria, if any, shall be admissible to those candidates only, who would fill the details of the requisite certificate i.e. name of issuing authority. date of issue and reference no. etc. and also upload the requisite valid original certificate/ document along with their application in support of their claim failing which, no certification benefits shall be considered after last date of filling online applications.

xxx

xxx

xxx

6. The SC/BCA/BCB/EWS/ESP and PwD (Person with Disabilities) candidates are required to upload SC/BCA/BCB/EWS/ESP and PwD (Person with Disabilities) Certificate duly issued by the competent authority and submit the same when called upon to do so by Haryana Staff Selection Commission.

xxx

xxx

xxx

3.1. Documents to be uploaded with Application Form (MANDATORY)

XXX

XXX

XXX

2. Scanned Copy of
SC/BCA/BCB/EWS/ESP/ESM/DESM/ DFF/PWD
(Person with Disabilities) certificate alongwith Haryana
domicile Certificate issued by competent authority.”

3. The petitioner, who had applied pursuant to the advertisement dated 07.09.2019, for appointment to the post of Staff Nurse under EWS category, did not possess the EWS certificate and as such, could not upload the same, to substantiate her claim for consideration under the said category, which was mandatory as per the advertisement itself. However, the one that she produced at the time of scrutiny of documents on 17.11.2021, was issued on 18.03.2021, after the cut off date i.e. 03.02.2020, which is sacrosanct to maintain fairness and the smooth progression of the recruitment process, adherence to the due date is pivotal. As such, she was rightly not considered under the said category, however, was under General category but not shortlisted, having secured 51.50 marks, as against the last selected applicant who had obtained 57 as also the one in waiting list procuring 55.

4. In wake of the above, the present petition being devoid of merit is hereby dismissed.

(AMAN CHAUDHARY)
JUDGE

23.08.2024

Hemant

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