

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

CWP-11010-2022 (O&M)
Decided on: 23.07.2024

Asha

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Parveen Kumar, Advocate for
Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana

AMAN CHAUDHARY, J.

1. The petitioner came to this Court with a grievance that her candidature has wrongly been considered under General category, despite she having applied under the EWS category, in support whereof, the certificate dated 23.04.2019, Annexure P-3 for the relevant year, i.e. 2019-2020, was duly uploaded before the cutoff date, i.e. 03.02.2020. She had scored 53 marks, while the cutoff for EWS category was 50 and waiting, 49.

2. While issuing notice of motion on 01.06.2022, this Court ordered that one post of Staff Nurse in EWS category be kept vacant. The plea taken by the State to deny her claim in the short reply dated 17.08.2022 by the Under Secretary of the Commission, was that, she had not uploaded the EWS certificate, Annexure P-3, with her application, while applying for the post and the one which she produced during the scrutiny was dated 19.01.2021, Annexure R-2/1.

3. On being cornered by the Court vide order dated 28.05.2024, a specific affidavit was sought with regard to the aforesaid annexures, in the affidavit dated 17.07.2024 filed by the Deputy Secretary of the Commission, it

was admitted that petitioner had appended EWS certificate, Annexure P-3 at the time of application form, but did not submit the same at the time of scrutiny of documents.

4. The petitioner being in possession of the uploaded certificate, had otherwise no reason not to show the same, however, since the Committee insisted on producing the latest one, the validity of these being for a year, that the certificate, Annexure R-2/1, for the year 2020-21, was submitted.

5. The respondent-Commission cannot be permitted to blow hot and cold in the same breath, especially when it comes to the livelihood of an individual, ergo, in case the petitioner produces the original certificate, which was appended along with the application form, as now candidly conceded, she be considered for appointment, in case she falls within the merit. 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

23.07.2024
dinesh

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