

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

265

CWP-16484-2020 (O&M)
Decided on : 15.02.2024

Suresh Kumar

. . .Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance of the petitioner is that the petitioner competed for the post of Group D post as advertised vide advertisement No. 4/2018 (Annexure P-1) and being an orphan, the petitioner is entitled for five marks under Socio Economic Criteria, but the same 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 in the question.

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 has not claimed five marks under the Socio Economic Criteria for being orphan.

Learned counsel for the respondents further submits that no document showing that the petitioner is entitled for the grant of benefit of five marks under Socio Economic Criteria being orphan was also attached with the application.

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 himself has not claimed the five marks under Socio Economic Criteria for being Orphan (deaf) but he also did not attach any certificate to claim the benefit of five marks under said Criteria being Orphan (deaf). That being the factual position, the petitioner cannot turn around and submit that he inadvertently failed to raise his claim for the grant of five marks under Socio Economic Criteria being Orphan (deaf). Once, while filling up the application form for the post in question, the petitioner did not raise the claim for the grant of 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 (deaf) 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 circumstances 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 case stands **dismissed**.

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

(HARSIMRAN SINGH SETHI)
JUDGE

15.02.2024
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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: Yes/~~No~~