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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18207-2020 (O&M)
Date of decision: 02.12.2024

PARVEEN KUMAR

...Petitioner(s)

VERSUS

HARYANA STAFF SELECTION COMMISSION AND ANOTHER
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Arjun Pratap Atma Ram, Advocate
for the petitioner.

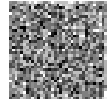
Ms. Dimple Jain, DAG, Haryana.

Mr. Samarth Sagar, Advocate
for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

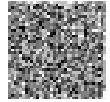
1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the final result dated 22.02.2020 (Annexure P-8) and Corrigendum dated 27.06.2020 (Annexure P-9) with a further prayer to direct the respondents to offer and accord appointment to the petitioner in EWS Category to the post of Junior Engineer (Electrical) in Category No.35.

2. Learned counsel for the petitioner submitted that the petitioner applied for the post of Junior Engineer (Electrical) in pursuance of the advertisement dated 15.06.2019 (Annexure P-3) issued by the respondent-Haryana Staff Selection Commission in which the closing date for submission



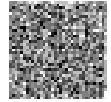
of online applications was 04.07.2019. He further submitted that the petitioner applied against Category No.35 for the post of Junior Engineer (Electrical) under the category of Economically Weaker Section (EWS), wherein one post was reserved for the aforesaid Economically Weaker Section (EWS) Category. In this regard, he referred to the selection criteria which has been provided in the aforesaid advertisement, wherein it has been stated that the scheme of marks in respect of selection to the posts shall comprise of total 100 marks i.e. 90 marks for the written exam and 10 marks for the socio-economic criteria and experience.

3. Learned counsel for the petitioner while referring to the reply filed on behalf of respondent-Haryana Staff Selection Commission submitted that after the aforesaid written examination, three times candidates were called which is in accordance with the settled law that three times candidates can be called for the purpose of scrutiny of documents for further process of interview and as per the aforesaid reply, the petitioner was not called for the purpose of scrutiny of documents as he did not fall in the aforesaid three times candidates and therefore, he was not further considered for the aforesaid post of Junior Engineer (Electrical). He has however submitted that rather none of the candidates was appointed to the aforesaid post as none was found suitable for the same and has also referred to Annexure P-9, whereby a Corrigendum was issued by the respondent-Haryana Staff Selection Commission, wherein it has been stated by way of a note that one post of EWS for Category No.35 remained vacant due to non-availability of suitable candidates. He further submitted that once a seat remained vacant due to non-availability of suitable



candidate, then in such a situation the petitioner ought to have been considered for appointment to the aforesaid post. He also submitted that a direction may be issued to the respondent-Haryana Staff Selection Commission to consider the candidature of the petitioner against the aforesaid post even if he was not called for scrutiny of documents.

5. On the other hand, learned State counsel while referring to the reply filed on behalf of respondent-Haryana Staff Selection Commission submitted that although the petitioner applied for the aforesaid post of Junior Engineer (Electrical) in Category No.35 but in the written examination, which was a selection criteria, he had secured 42 marks, whereas the last candidate who was called for scrutiny of documents and interview had secured 55 marks and in between them there were 7558 candidates. She further submitted that the petitioner did not fulfill the basic benchmark for the purpose of being called for scrutiny of documents and thereafter, even though none of the candidates was selected against the one post of Junior Engineer (Electrical) under Economically Weaker Section (EWS) Category it would not mean that the petitioner has any legal right for seeking a *mandamus* from this Court for the purpose of directing the respondent-Haryana Staff Selection Commission to consider him even if he was not falling in the aforesaid zone of consideration. She further submitted that the petitioner applied under the Category of ESM/DESM-EWS and still he was considered under the EWS Category but since he did not fall in the zone of consideration, he was not selected. She also submitted that even otherwise also, the aforesaid advertisement is of the year 2019 and the selection process completed in the year 2020 and about four years



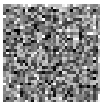
have elapsed thereafter and now the only remedy available with the petitioner is applying afresh in case any fresh advertisement is issued and therefore, considering the fact that the petitioner has no legal right to seek any *mandamus* in this regard, the present writ petition is liable to be dismissed.

6. Learned counsel for respondent No.2 submitted on instructions that in pursuance of the order passed by this Court on 02.11.2020, one post of Junior Engineer has not been re-advertised. He has however submitted that selection for appointment to a post is within the purview of the respondent-Haryana Staff Selection Commission and so far as respondent No.2-Corporation is concerned, it only appoints a person who has been recommended by the respondent-Haryana Staff Selection Commission in accordance with law.

7. I have heard the learned counsels for the parties.

8. It is a case where as per the reply filed by the respondent-Haryana Staff Selection Commission, the petitioner applied for the post of Junior Engineer (Electrical) under the Category of ESM/DESM-EWS and the learned State counsel submitted that although the petitioner applied under the Category of ESM/DESM-EWS but still he was considered under the EWS Category because there was one post for the same but he did not fulfill the basic benchmark of the written examination, whereby three times candidates were called for scrutiny of documents and the petitioner secured only 42 marks and the last candidate secured 55 marks and therefore, he was not called for scrutiny of documents.

9. The relevant provision of Clause 2.3 of the aforesaid advertisement is reproduced as under:-



2.3 Criteria for Selection, Examination & Syllabus.

(i) The scheme of marks in respect of selection to the posts shall comprise of total 100 marks, as detailed below:

Sr. No.	Subject	Marks
1.	Written Exam	90
2.	Socio-Economic criteria and experience	10

(ii) The 90 marks of written examination shall be divided into to parts comprising:-

- a) 75% weightage of General Awareness, Reasoning, Maths, Science, Computer, English, Hindi and concerned or relevant subject, as applicable.
- b) 25% weightage for History, Current Affairs, Literature, Geography, Civics, Environment, Culture etc. of Haryana.

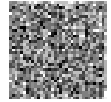
(iii) The marks of socio-economic criteria and experience shall be allocated as follows:-

a. if neither the applicant nor any person from among the applicant’s family viz father, mother, spouse, brother, and Son is, was or has been a regular employee in any Department/ Board/ Corporation/Company/Statutory Body/ Commission/ Authority of Government of Haryana or any other State Government or Government of India.

(5 marks)

b. if the applicant is:-

- (i) a widow; or

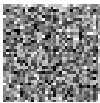


- (ii) *the first or the second child and his father had died before attaining the age of 42 years; or*
- (iii) *the first or the second child and his father had died before the applicant had attained the age of 15 years.*

(5 marks)

xxx-xxx-xxx-xxx-

10. The only issue involved in the present case which is required to be considered is as to whether the petitioner has any legal right for seeking issuance of any direction or a *mandamus* to the respondent-Haryana Staff Selection Commission for considering appointment of the petitioner on the ground that no candidate was selected amongst those three times candidates who were called for scrutiny of documents. As per the selection criteria, written examination was conducted for the purpose of assessing the basic intelligence of the candidates which included General Awareness, Reasoning, Maths, Science, Computer, English, Hindi and concerned or relevant subject, as applicable and even weightage was also given to History, Current Affairs, Literature, Geography, Civics, Environment, Culture etc. of Haryana. Three times calling of the candidates for scrutiny of documents is not only for the purpose of defining the zone of consideration but also for assessing the acumen and intelligence of the person concerned, who is subjected to examination. Admittedly, the petitioner obtained 42 marks and the last candidate who was called for scrutiny of documents obtained 55 marks and there was a huge difference between their marks as aforesaid.



11. In case nobody was selected against the aforesaid post that would not mean that the petitioner has any right to seek a direction from this Court that since nobody was selected then the petitioner should be considered for further selection especially in view of the fact that about four years have elapsed after the selection process was completed. Even though no fresh advertisement has been issued but that would again not mean that it would confer any right upon the petitioner in this regard.

12. In view of the aforesaid facts and circumstances, this Court is of the considered view that the present writ petition is devoid of any merit and the same is hereby dismissed.

02.12.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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