

CM-1190-CWP-2024 in/&
RA-CW-192-2022 in
CWP-8399-2020

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2024:PHHC:027913

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-1190-CWP-2024 in/&
RA-CW-192-2022 in
CWP-8399-2020
Date of Decision :26.02.2024

Sandeep

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K. Sehrawat, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

CM-1190-CWP-2024 in
RA-CW-192-2022

Present application has been filed for preponing the date of hearing in the review application, which is fixed for 23.04.2024.

Notice of the application to the counsel opposite.

Mr. Harish Nain, AAG, Haryana accepts notice on behalf of respondent-State and raises no objection for the grant of prayer as made in the application for preponing the date of hearing in the main petition.

Keeping in view the same, the application is allowed. Date of hearing in main petition is preponed to today and the case is taken up for hearing.

RA-CW-192-2022

Present application has been filed for the review of the order

dated 03.12.2021 passed by this Court by which, the main writ petition filed by the petitioner was dismissed.

Learned counsel for the review-applicant submits that the said writ petition has been dismissed on the ground that petitioner has secured 60 marks whereas, the last selected candidate in the category in which the petitioner was competing secured 63 marks and hence, no claim can be raised by the petitioner. Learned counsel for the review-applicant further submits that in fact, the petitioner has secured 60 marks in the written examination and in case he is given 05 marks under the socio-economic criteria his score will be 65 marks, which is more than the last selected candidate in the category in which he was competing.

Learned counsel for the respondents has not been able to rebut the said contention of the learned counsel for the review-applicant.

Keeping in view said fact, present application is allowed. Order dated 03.12.2021 passed by this Court is recalled and the writ petition is ordered to be restored to its original number and status and is taken up for hearing today itself.

CWP-8399-2020

1. Learned counsel for the petitioner submits that question of law raised in the present petition has already been decided by this Court while passing order in **CWP-11894-2021 titled as, Nisha vs. Haryana Staff Selection Commission, decided on 30.07.2021** wherein, this Court has held that in case, keeping in view the information given in the application form as well as documents attached with the application form, the information required for the grant 05 marks under the socio-economic criteria being

orphan can be inferred, the requirement for the grant of said marks should be deemed to be fulfilled.

2. In the present case, the petitioner has not been given benefit of 05 marks under the socio-economic criteria being orphan only on the ground that certificate issued by the Tehsildar does not disclose as to whether the petitioner is the first child or not. Learned counsel for the petitioner submits that the said information has already been given by the petitioner while filling up the application form, which information has not been described as incorrect by the respondents even while filing reply to the present petition hence, claim of the petitioner in the present case is akin to the case of Nisha (supra) and the same may kindly be allowed in the same terms.

3. Learned counsel for the respondents submits that in order to get 05 marks under the socio-economic criteria being orphan, a specific performa was required to be filled up so as to give age of the father or whether the petitioner was less than 15 years of age at the time of death of his father or not.

4. It may be noticed that in the application form, the petitioner has already been detailed under the heading 'orphan'. In the certificate issued by the competent authority, date of birth of the petitioner mentioned as 17.05.1991 and the date of death of the father of the petitioner has been mentioned as 26.08.1996. The only requirement was to see as to whether the petitioner was less than 15 years of age at the time of death of his father or not. The said fact is clear from the certificate dated 07.03.2019 (Annexure R-2). The question as to whether the petitioner was first child or not, the

same has already been detailed by the petitioner while filling up the form, which means all the information required for the grant of 05 marks under the socio-economic criteria are met.

5. Further, under the similar circumstance, in the case of Nisha (supra), this Court has already allowed the same plea.

6. Keeping in view the facts and circumstances recorded hereinbefore, present petition is allowed. Respondents are directed to grant the benefit of 05 marks under the socio-economic criteria to the petitioner and thereafter refix his merit again and in case the petitioner is found entitled for any relief upon revision of merit list, keeping in view the fact that candidate lower in merit than the petitioner has been selected and appointed, the petitioner will also be entitled for the said benefit and whatever benefits have been extended to the candidate lower in merit than the petitioner, be extended to the petitioner as well.

7. Let the present order be complied with within a period of 06 weeks from the date of receipt of copy of this order.

February 26, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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