



CWP-26175-2024

-1-

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

116

CWP-26175-2024

Date of decision: 14.10.2024

SUKHDEEP KAUR

....PETITIONER

Vs.

STATE OF PUNJAB AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Supinder Singh Sohi, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of decision of respondent Nos. 1 to 3 to cancel her candidature on the ground of submission of EWS category certificate of 2019-2020.

2. The petitioner participated in the selection process of Constable in TSS Cadre of Punjab Police. She belongs to EWS category. She applied under the said category. She cleared written test and appeared for scrutiny of documents. The respondents till the stage of verification of documents did not point out deficiency in the EWS certificate, however, while declaring result, they rejected her candidature on the ground that she had submitted income certificate for the financial year 2019-2020 whereas she was required to submit said certificate for the financial year 2021-2022.

3. Mr. Supinder Singh Sohi, Advocate submits that as per understanding of the petitioner, income certificate of financial year 2019-2020



was relevant and accordingly, it was submitted. The respondents did not object to said certificate at the time of scrutiny of document. It was responsibility of the respondents to guide the petitioner to submit income certificate of financial year 2021-2022 instead of transposing her to general category.

4. From the perusal of record, it is evident that advertisement was released in September' 2021 and last date (Extended) for filing application was 10.10.2021. As per instructions dated 30.10.2020 issued by Government of Punjab income of financial year prior to year of application is relevant to determine EWS status of a candidate. Para 5.1 of said instructions is reproduced as below:-

“5. CRITERIA OF INCOME AND ASSETS:

5.1 The persons belonging to the State of Punjab who are not covered under the existing scheme of reservation for SCs and BCs and whose family has gross annual income below rupees 8.00 lakh (rupees eight lakh only) are to be identified as EWSs for benefit of reservation. Income shall also Include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application, shall be excluded from being identified as EWS, irrespective of the family income:

- i. Five Acres of agricultural land and above;*
- ii. Residential flat of 1000 square feet and above;*
- iii. Residential plot of 100 square yards and above in notified municipalities/nagar panchayats;*
- iv. Residential, plot of 200 square yards and above in areas other than the notified municipalities or nagar panchayats.”*

5. The advertisement was released in September' 2021 and last date to file application was 10.10.2021. The year of application was 2021 and financial year prior to said year was 2020-2021 whereas petitioner submitted income certificate of 2019-2020. There is no infirmity in the decision of respondents in



CWP-26175-2024 -3-

transposing the petitioner from EWS category to General category. There is no substance in the contention of the petitioner warranting interference of this Court.

6. Dismissed.

14.10.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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