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

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**CWP-2657-2023 (O&M).
Date of Decision: 07.03.2025.**

MANJU KUMARI

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. S.K. Nehra, Advocate, with
Mr. Akash Gahlawat, Advocate,
Mr. Rahil Mahajan, Advocate,
Mr. Viren Nehra, Advocate and
Mr. Arjun Dosanj, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

Mr. Ravinder Singh Dhull, Advocate with
Mr. Navnit Sharma, Advocate,
for respondent No.4.

Ms. Surbhi Yadav, Advocate,
for respondent No.5.

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**VINOD S. BHARDWAJ. J (ORAL).**

Pursuant to the order dated 30.01.2025 passed by this Court, cost of Rs.30,000/- has been deposited vide Receipt No.7565 dated 21.02.2025 a copy whereof has been placed on record. The petition has thus been heard after considering the reply.

2 Challenge in the present writ petition is to the final result dated 17.03.2022 (Annexure P-2) whereby the roll number of respondent No.4 has been mentioned in the selection list of the BCB Category for the post of Laboratory Technician advertised vide advertisement No.15/2019 on 07.09.2019 (Annexure P-1) alleging that private respondent No.4 has secured 05 marks under the head of socio economic criteria by way of fraud.

3 It is claimed that petitioner had participated in the selection process and has been placed in the waiting list. Detailed marks were published by respondents as per private respondent No.4 had secured a total of 56 marks and was granted 05 marks on the claim that no one from her family was in Government job. If the benefit of 05 marks is deducted, her total marks would be 51 while the petitioner had been granted 54.50 marks and had not claimed any marks under the socio-economic criteria. It is further averred that candidature of various persons was cancelled as well as some did not join.

4 A short reply on behalf of respondent No.3 through Pawan Singh, Under Secretary, Haryana Staff Selection Commission has been

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filed, a copy thereof has been handed over to the counsel for the petitioner.

Relevant part of the reply i.e. para No.6 and 7 are extracted as under: -

“6. That at the very inception, it is submitted that in response to above said advertisement, the petitioner had applied for the post of Lab.Tech. under category no. 02. The details of the petitioner are as under:-

<i>Petitioner Name</i>	<i>Petitioner’s Roll No.</i>	<i>Petitioner’s category</i>
<i>Manju Kumari</i>	<i>24022317</i>	<i>BC-B category</i>

That the petitioner, while filling up the application form had applied for the said post under the BC-B category only the petitioner was issued Admit card vide roll no. 24022317 in BC-B category. The Respondent-Commission conducted the written examination (OMR SHEET) on 24.07.2021. Thereafter, the Respondent-Commission has declared the result of written examination on 09.09.2021 and called shortlisted candidates including the petitioner for Scrutiny of documents from 30.09.2021 to 01.10.2021 in Parade Ground, Sector-5, Panchkula for the post in question.

Thereafter, the Respondent-Commission has declared the final result on 17.03.2022 on the basis of written examination, Scrutiny of Documents and Socio-Economic Criteria for the post in question. It is pertinent to mention here that the petitioner has secured total 54.5 marks (54 in written exam+ 0.5 for socio-economic criteria) and as per final result dated 17.03.2022 the cut off marks of BCB category was 57 marks & waiting was 54.50 marks and the petitioner namely Manju Kumari bearing roll no. 24022317 was selected in BC-B category waiting list for the post in question.

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Further, it is submitted that as per details result respondent no 4 namely Priyanka bearing roll no. 24020269 has secured Total 56 marks (51 in written + 05 of socio-economic criteria) was selected in ESM-BC-B category for the post in question.

As per final result dated 17.03.2022, there was no any post vacant on behalf of Commission for the post in question. As per confidential diarist report, no any letter has been received from concerned department regarding candidature of the petitioner has been cancelled.

7. It is submitted that before declaring the final result, the Commission re- checked all the documents of all the candidates and declare the result & recommended the candidates on merit basis whereas as per terms & conditions in recommendations process, the selected candidates have not been medically examined and no special enquiry into their antecedent has been made. The document pertaining to their Essential Qualification, Age, caste/category Universities, Socio-Economic criteria and experience as claimed by them in the application form may please be got checked/verified from the issuing authorities, before they are allowed to join their duty. Furthermore, Haryana Staff Selection commission is merely a recruitment agency. not an appointing authority After that action will be taken by concerned department. Moreover, the respondent-Commission is merely a recruiting agency, not an appointing authority and issues advertisement for recruitment on the basis of requisition of posts and educational qualifications received from the indenting departments and undertakes the recruitment process thereafter.”

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5 Learned counsel appearing for the petitioner contends that the Haryana Staff Selection Commission has granted 05 marks to private respondent No.4 under the BCB category notwithstanding that her father namely Umed Singh son of Moji was already in Government service and therefore, 05 marks could not have been granted to her.

6 A short reply through Dr. Manish Bansal, Director General Health Services, Haryana, O/o Director General Health Services, Haryana, Panchkula, on behalf of respondent No.2, dated 22.01.2025 had also been filed wherein it is averred that the verification of documents is not within the domain of Director General Health Services, Haryana. Further, it is stated that in so far as the scope of the power of Haryana Staff Selection Commission is concerned, it does not extend to conducting an investigation into the validity and genuineness of a document and it merely has to ascertain the eligibility as per the documents that had been produced before it. Such an investigation against any objections raised about the validity of the documents submitted by a candidate for any benefit is to be done only by the employer i.e. the Government, at the time when such an appointment is made.

7 The verification process being in the domain of the employer, I find the stand of the respondent-Haryana Staff Selection Commission justified.

8 Faced with above, counsel for the petitioner contends that at this juncture, the petitioner would be satisfied in case the respondent State

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is directed to consider the objections filed by the petitioner against the respondent No.4 and she being wrongly given benefit of 05 marks under socio-economic criteria be verified in a time bound manner and to take consequential steps as per law, if the petitioner's allegations are found to be correct.

9 Learned counsel appearing for respondent No.4 has no objection to verification of the claim regarding awarding of 05 marks under the socio-economic criteria, subject to due process of law to be followed by the respondents.

10 In view of the above, the present writ petition is disposed of with a direction to the competent authority to examine the grievance espoused/objections raised by the petitioner with respect to the validity of the claim of private respondent No.4 about her entitlement to claim 05 marks under the head of socio economic criteria and to take an appropriate and consequential decision(s) after affording an opportunity of hearing to the said respondent.

11 Let the needful be done within a period of 03 months of the receipt of a certified copy of this order.

March 07, 2025
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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