



**210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-10724-2019

Date of Decision: 01.12.2025

Naveen

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Kanwal Goyal, Advocate and
Ms. Sheena Dahiya, Advocate
for the petitioner.

Mr. Ravi Partap Singh, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to issue him appointment letter to the post of Male Constable (GD) under B-B Category against Advertisement No.3/2018.

2. The petitioner belongs to BC-B Category. He pursuant to Advertisement No.3 dated 16.04.2018 applied for the post of Male Constable (GD). In his application form, he categorically disclosed that he is an orphan. He scored 56 Marks comprising 52 in written examination and 04 for graduation. He was not awarded marks under Socio Economic Criteria contemplated in the Advertisement. He claims that if he is awarded 05 Marks under Socio Economic Criteria, his marks would be much more than last selected candidate.

3. Learned counsel representing the petitioner submits that in the Advertisement, it was not notified that candidates claiming to be

orphan would have to submit certificate issued by Tehsildar. The petitioner lost his mother on 26.06.1998 while he was 03 years old and his father on 05.05.2003 while he was 08 years old. He as per his understanding submitted death certificate of his father and mother at the time of scrutiny of documents. He was unaware of getting certificate from Tehsildar. Scrutiny of documents took place on 16.02.2019. He obtained certificate from Tehsildar on 20.02.2019 and submitted with Authorities before declaration of result. He was entitled to 05 marks under Socio Economic Criteria.

4. *Per contra*, learned State counsel submits that petitioner did not submit certificate issued by Tehsildar at the time of scrutiny of documents, thus, he was not awarded 05 marks under Socio Economic Criteria. He obtained orphan certificate issued by Tehsildar on 20.02.2019 whereas scrutiny of documents took place on 16.02.2019, thus, he was ineligible for 05 Marks under Socio Economic Criteria

5. On being asked, learned State counsel expressed his inability to controvert that petitioner's mother expired on 26.06.1998 and father on 05.05.2003 and he submitted death certificate of his parents at the time of scrutiny of documents.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. The respondent in the aforesaid Advertisement prescribed 05 Marks under Socio Economic Criteria. The relevant extracts of the Advertisement are reproduced as below:

“Miscellaneous (10% weightage):-

(a) (i) Five 05) marks will be given if no person from amongst the applicant's father, mother, spouse, brother,

sister, son and daughter is/ was/has been a regular employee in any Department, Board, Corporation, Company, Statutory Body, Commission or Authority of Haryana Government or any other State Government or Government of India.

(ii) Five (05) marks will be, in case of Orphan/Widow:-

- (i) *if the applicant is a widow; or*
- (ii) *If the applicant is a 1st or 2nd ward of the deceased whose father died before completion of 42 years of age.*
- (iii) *If the applicant is a 1st or 2nd ward and his/her father had died before his/her completing 15 years of age.”*

8. In the Advertisement, the documents to be uploaded with application form and to be brought at the time of scrutiny of documents were prescribed. The relevant extracts of the Advertisement read as:

“DOCUMENTS TO BE UPLOADED WITH APPLICATION FORM

- i) *Scanned Copy of Essential Qualifications i.e. Matric showing Date of Birth and mark sheet of Diploma/Degree etc.*
- ii) *Scanned Copy of valid Eligibility Certificate in case of DESM candidates duly issued by the respective Zila Sainik Board.*
- iii) *Scanned Copy of BCA/BCB/SC Certificate issued by competent authority.*
- iv) *Scanned Copy of Haryana Domicile Certificate in case of BCA/BCB/SC /ESM/DESM/DFE issued by competent authority.*
- v) *Scanned Copy of Aadhar Card (Desirable).*
- vi) *Copy of e-Challan in case of candidates who have applied earlier.*
- vii) *Scanned Photographs duly signed by the Candidate.*
- viii) *Scanned signatures of the Candidate.*

**DOCUMENTS TO BE BROUGHT AT THE
TIME OF DOCUMENTS SCRUTINY**

- i) *Printed Copy of online application form alongwith latest stamp size photograph duly attested by a gazetted officer and pasted on the application form.*
- ii) *Original proof of earlier fee deposited i.e. Treasury Challan/ Credit Certificate issued by concerned treasury etc.*
- iii) *All original certificates/ documents/testimonials of educational qualifications and other documents mentioned in the online applications and one set of self attested copies of all these certificates.”*

9. From the perusal of record, it is evident that petitioner in his application form duly claimed that he was an orphan and entitled to 05 Marks under Socio Economic Criteria. It is undisputed that he produced death certificate of his parents at the time of scrutiny of documents. In the Advertisement, it is nowhere provided that a candidate who claims to be orphan shall have to produce certificate issued by Tehsildar at the time of scrutiny of documents. The petitioner undisputedly was an orphan. He claimed benefit in the application form. He further submitted orphan certificate issued by Tehsildar on 20.02.2019 whereas result was declared on 28.02.2019.

10. The respondent has rejected claim of petitioner on the sole ground that he did not produce certificate issued by Tehsildar at the time of scrutiny of documents. Contention of respondent cannot be countenanced. The petitioner for all intents and purposes was eligible for 05 Marks. A child who lost his parents in the age of 8 years cannot be

expected to produce documents more than he produced at the time of scrutiny of documents. Death certificate of parents was sufficient. Death of parents is undisputed. It would be unholy and against the pious object of the scheme if a candidate like petitioner is denied benefit of Socio Economic Criteria.

11. In the wake of above discussion and findings, this Court is of the considered opinion that instant petition deserves to be allowed and accordingly ***allowed***. The respondent is directed to issue appointment letter to petitioner within four weeks from today subject to medical examination. As conceded by petitioner his date of joining shall be his date of appointment for all intents and purposes. The respondent would be free to compare petitioner's marks with cut off.

(JAGMOHAN BANSAL)
JUDGE

01.12.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No