



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

CWP-10072-2025

Date of Decision:-28.05.2025

Parvesh Singh

...Petitioner

Vs.

State of Haryana and Another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Karan Singh, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 05.03.2024 whereby respondent has rejected his candidature for the post of Constable against Advertisement No.4/2020 dated 30.12.2020.

2. The petitioner pursuant to Advertisement No.4/2020 dated 30.12.2020 applied for the post of Constable in Haryana Police Force. The application was filed under EWS Category. The petitioner at the time to filling online application was in possession of Income and Asset Certificate (regarding EWS) for the jobs/admission. The said certificate was valid for the year 2020-2021. In the certificate dated 10.11.2020 his family income was reported to be Rs.1,67,000/-. He was issued an Admit Card for participating in the selection process. He appeared in the written

test. The result was declared on 11.12.2021 and he was called for Physical Screening Test held on 10.01.2022. The respondent declared result on 16.06.2022 and name of petitioner did not figure in the merit list. The cut off under EWS Category was 64.45 marks and petitioner had secured 63.57 marks. Director General of Police vide letter dated 06.02.2024 raised demand of more Constables from the remaining merit list. The respondent No.2 declared result dated 11.02.2024 for appointment of Constables pursuant to additional demand of force. The name of petitioner did not figure in the new merit list also. He vide letter dated 13.02.2024 requested respondent to consider his claim but to no avail. He preferred ***CWP-4991-2024*** which was disposed of vide order dated 04.03.2024 with a direction to respondent to decide petitioner's representation within two months. The respondent vide order dated 05.09.2024 has rejected petitioner's claim on the ground that he was not having valid EWS Certificate, thus, he was considered under General Category.

3. Learned counsel for the petitioner submits that petitioner applied for EWS Certificate for State Government job. He had never applied for certificate prescribed for Central Government jobs. It was mistake on the part of Tehsildar who had issued EWS Certificate meant for Central Government jobs.

4. Learned State counsel submits that in the advertisement it was specifically prescribed that EWS Certificate should be as per applicable Policy and Rules. The State Government had issued notification dated 25.02.2019 wherein it has been provided that annual

family income to fall in the category of EWS should be less than ₹ 6 Lakhs. The certificate should be in the form as prescribed at Annexure-1. The certificate which the petitioner submitted was not in the prescribed form.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

6. From the perusal of notification dated 25.02.2019, it is evident that State Government has prescribed performa of certificate of EWS. The said performa is reproduced as below:-

“Government of Haryana
(Name & Address of the authority issuing the certificate)
(ECONOMICALLY WEAKER SECTIONS)
INCOME AND ASSET CERTIFICATE

Certificate No.----- Date: -----

VALID OF THE YEAR-----

This is to certify that Shri/Smt./Kumari-----
son/daughter/wife of-----is permanent resident of----,
Village/Street-----, Post Office-----, District -----, Pin
Code----- whose photograph is affixed below and attested
below belongs to Economically Weaker Sections, since the
gross annual income of his/her family** is below Rs.6*
lakh (Rupees Six Lakh only) for the financial year----

It is further certified that His/her family does not own or
*possess any of the following assets***:*

- I. 5 acres of agricultural land and above;*
- II. Residential flat of 1000 sq. ft. and above;*
- III. Residential plot of 100 sq. yards and above*
in notified municipalities;
- IV. Residential plot of 200 sq. yards and above*

in areas other than the notified municipalities.

V. *Total immovable assets owned are valued at Rs. One Crore or more.*

2. *Shri/Smt./Kumari----- belongs to the caste which is not recognized as a Scheduled Caste. Backward Classes (Block-A) and Backward Classes (Block-B).*

Recent Passport size attested photograph of the applicant
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*Signature with seal of Office
Name
Designation”*

7. The petitioner submitted EWS Certificate which is reproduced as below: -

“ Haryana Government

INCOME AND ASSET CERTIFICATE

(ECONOMICALLY WEAKER SECTIONS)

(For use of Jobs/Admissions under Government of India)

Certificate No: EWS/2020/502

Date: 10/11/2020

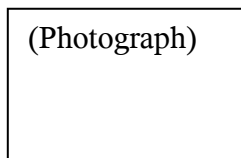
VALID OF THE YEAR 2020-2021

This is to certify that Shri PARVESH SINGH son of Shri OM PARKASH permanent resident of H.No.131 NEAR HANUMAN MANDIR VPO BIGHANA TEHSIL ALEWA, Village BIGHANA, Post Office BIGHANA, District JIND in the State HARYANA Pin Code 12111 whose photograph is and attested below belongs to Economically Weaker Sections, since the gross annual income of his/her family** is below Rs.8 lakh (Rupees Eight Lakh only) for the financial year 2019-20. His/Her family does not own or possess any of the following assets***.*

I. *5 acres of agricultural land and above:*

- II. *Residential flat of 1000 sq. ft. and above:*
- III. *Residential plot of 100 sq. yards and above in notified municipalities.*
- IV. *Residential plot of 200 sq. yards and above in areas other than the notified municipalities*

2. *Shri PARVESH SINGH belongs to 'PANDIT' cast which is not recognized as a Scheduled Caste, Schedule Tribes and Other Backward Classes (Central List).*



*Issued by:
(Signature)
Tehsildar, ALEWA ”*

8. From the perusal of notification dated 25.02.2019, it is evident that outer limit of income prescribed for EWS certificate is ₹ 6 Lakhs whereas Central Government has prescribed outer limit of ₹ 8 Lakhs. The certificate prescribed for State Government jobs is entirely different from certificate prescribed for Central Government jobs. In the advertisement, it was prescribed that certificate should be as per notification issued by State Government. The certificate produced by the petitioner was not in the format prescribed by the State Government.

9. A two Judge Bench of Hon'ble Supreme Court in '***Mohit v. State of Uttar Pradesh***', 2025 SCC Online SC 1125 more recently has held that benefit of reservation shall not be available if a candidate fails to file certificate in the prescribed format. The relevant extracts of the judgment read as: -

*“13. We may initiate our discussion by first referring to this Court's decision in **Registrar General,***

Calcutta High Court v. Shrinivas Prasad Shah and Ors.

The question that was raised is whether, the West Bengal Public Service Commission was justified in considering the 1st respondent as a general candidate for recruitment in connection with a judicial service examination, instead of his claim of being a member of the Scheduled Tribe community. The advertisement stipulated that in order to obtain the benefit of reservation, the requisite certificate had to be issued by the competent authority as specified in the stated enactment and SCs/STs Welfare Department Order No. 261- TW/EC/MR-103/94 dated 6th April, 1995. Instead of producing a certificate issued by the competent authority, the 1st respondent produced a certificate issued by the Director of the Backward Classes Welfare Department certifying him as a member of the Scheduled Tribe community; hence, such certificate was ignored and he was considered to be a general candidate. The 1st respondent was fortunate enough to succeed in the two tiers before the High Court at Calcutta, which directed the PSC to consider him as a ST candidate, fortune deserted him before this Court. It was held thus:

“15. We find no error in the decision taken by the Commission in not entertaining the respondent’s application as a ST candidate since no certificate was produced from the competent authority, as provided under the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994. The information to the candidate specifically stated that the candidates claiming to be SC/ST/BC must have a certificate from a competent authority specified in the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994. No such certificate was produced from that competent authority by the respondent. Consequently, in the absence of the

requisite certificate, the Commission was justified in treating him as a general category candidate. The first time the respondent produced the certificate from the competent authority was only when he appeared in the examination held on 30-7-2010, by that time he had obtained a certificate from the competent authority on 22-9-2009. Admittedly, at the time when the 2007 examination was held no such certificate was produced from the competent authority along with the application. Consequently, the respondent was treated as a general category candidate and hence he could not get appointment as judicial officer in the examination held in the year 2007.

16. We are of the considered opinion that in view of the specific legislation passed by the West Bengal State Legislative Assembly i.e. the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994, and the specific stipulation in the notification issued to the candidates, Guideline 10 of para 13 of Madhuri Patil v. Commissioner, Tribal Development [(1994) 6 SCC 241] is inapplicable, particularly to the facts of this case. The Act does not recognise the Director, Backward Class Welfare, West Bengal as a competent authority to issue the certificate. Therefore, the Commission was justified in not placing reliance on the certificate issued by the Director, Backward Class Welfare, West Bengal. ...”.

(italics in original)

14. What follows from the above decision is that irrespective of whether an aspirant for public employment belongs to a particular community like SC/ST/OBC, the status claimed by him for being accorded the benefit of

*reservation is per se not decisive. Such status has to be certified by the competent authority upon following due process and identification that the aspirant is what he claims to be. In **Shrinivas Prasad Shah** (supra), the requirement of production of a certificate from the competent authority was held to be mandatory in view of a statutory mandate. Although there is no such statutory mandate in the facts of 13 the present case, the requirement in question is no less mandatory and must be scrupulously followed. Once a process of recruitment is set in motion, all aspirants are entitled in law to equal treatment. There cannot be different yardsticks for different sets of aspirants. Non-compliance with the terms of the advertisement/notification is bound to trigger adverse consequences of rejection of the aspirant's claimed status by the selecting body/appointing authority, should he choose not to adhere to the same. Having regard thereto, the selecting body/appointing authority would be justified in not entertaining the application of an aspirant as a member of the community for whom reservations are permissible.*

15. The proposition of law as settled by the above decision does not appear to have been doubted in any subsequent decision and we do hereby endorse the same."

10. The law laid down by Hon'ble Supreme Court in aforesaid judgment is squarely applicable to the instant case.

11. In the wake of aforesaid judgment, the petition deserves to be dismissed and accordingly dismissed.

12. Before parting with the case, this Court deems it appropriate to observe that the petitioner is claiming that he had filed application for EWS certificate for State Government jobs and there was mistake on the

part of Tehsildar. The application form is not available. The petitioner would be at liberty to move an appropriate application if he gets application form disclosing that he had filed application for EWS certificate for State Government jobs.

(JAGMOHAN BANSAL)
JUDGE

28.05.2025
Prince Chawla

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