



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

234

CWP-12002-2021**Date of decision: 21.01.2025**

RAMAN KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

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

Present: - Mr. Arvinder Arora, Advocate with
Mr. Govind Arora, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the final result/selection list uploaded on 15.06.2021 on the official website qua waiting list and final result dated 20.03.2020 published by respondent No.2- Haryana Staff Selection Commission, for the post of junior Engineer (Mechanical) for various Boards/Corporations and Department, Haryana against Advt. No.. 10/2019 for Cat No. 02, 07 and 26 with a further direction that final result be revised as per criteria.

2. Learned Counsel appearing on behalf of the petitioner has argued that respondent no.2- Haryana Staff Selection Commission had invited the applications for the direct recruitment to 1624 posts of Junior Engineer vide Advertisement no. 10/2019 dated 15.06.2019. The petitioner belongs to the Backward Class-B category and being eligible, he applied against 35 posts of Junior Engineer (Mechanical) in the Category no. 2 and



against 16 posts of Junior Engineer (Mechanical), Category No. 26. All the requisite certificates pertaining to educational qualification, domicile as well as the Backward Class were also appended with the application. The selection criteria for the abovesaid posts comprised of a written examination of 90 marks and 10 marks had been allocated for the socio-economic criteria and experience.

3. It is contended that the written examination was held on 01.09.2019 wherein the petitioner appeared against Roll No. 1019301920. The result of the written examination was published on 21.09.2019 but the marks obtained by the candidates was not disclosed and notice was sent to candidates for document verification, but the petitioner was not called for document verification. Thereafter, the Haryana Staff Selection Commission published the final result of Advertisement No. 10/2019 for category No. 2, 7 and 26 on 20.03.2020. Marks obtained by the last selected candidate in each category was reflected in the above published final result; In the BC-B category, total five candidates were selected and the last candidate obtained an aggregated 70 marks in written, socio-economic & experience. The waiting list candidate in the above category obtained a total aggregate of 66 marks.

4. The petitioner thus sought details under the RTI application dated 09.06.2020 regarding cut-off marks for each category as well as his own. The information was, however, not provided, due to which an appeal was filed before the Appellate Authority. The same was accepted vide order dated 30.09.2020, but still incomplete information was given. It was none-the-less informed that petitioner had secured 65 marks in the written



examination, however, marks of other candidates was not disclosed. The petitioner still made efforts for the remaining information but the same was not furnished.

5. The result of the waiting list was published on 15.06.2021 where last candidate in BC-B category had 66 marks. He contends as the petitioner had secured 65 marks in the written examination and in the event of the petitioner being given the benefit of five additional marks in the socio-economic criteria, his aggregate would become 70 marks, then he would be placed higher than the last candidate in the waiting list in BC-B category. It is submitted that notwithstanding the petitioner being higher in merit, he was not called for document verification and no information has also been provided.

6. Learned Counsel appearing on behalf of the respondent-State, however, contends that present writ petition deserves dismissal since the conditions prescribed and the approved guidelines for conducting scrutiny of documents have not been correctly appreciated. It is submitted that as per the resolution dated 23.11.2018 passed by the Haryana Staff Selection Commission, the last short listed candidate for scrutiny in the category of the petitioner had secured 66 marks in the written examination as compared to 65 marks secured by the petitioner. Hence, his roll number was not mentioned in the result of written examination. The entitlement of 05 marks under the socio-economic criteria, for no person in the family of the candidate being in the Government job, was to be extended only after a candidate secures his merit in the written examination and is called for document verification. If a candidate fails to qualify the written examination



for scrutiny of documents, the weightage of 05 marks under the socio-economic criteria is not available. He contends that the person who secured 66 marks and is in the waiting list in BC-B category has not been awarded any marks for socio-economic criteria and that the score of the said candidate would nonetheless be 66 marks making him qualified to go for the scrutiny of documents. He refers to the resolution dated 23.11.2018 passed by the Commission and the same reads thus:-

"Subject:- Guidelines for conducting scrutiny of documents after notification no. GSR.25/Const./Art.309/2017 dated 28.01.1970.

Haryana Government vide its notification No. GSR.- 25/Const./Art.309/2017 dated 13th December, 2017, amended the Haryana Government, General Administration Department, General Services, Notification No.523-3GS-70/2068 dated 28.01.1970, and it was notified that the selection and recommendation of the names of the candidates shall be made on basis of written examination and practice of interview shall be discontinued. The relevant extract is as follows,-

"(d) (i) In case of selection and recommendation of the names of candidates to a department or an office for Group C posts, there shall be written exam only. The practice of interview shall be discontinued.

The scheme of marks in respect of selection to Group C posts shall comprise of total 100 marks, which is detailed below:-



1. *Written exam* 90 marks
2. *Socio-Economic criteria and experience* 10 marks

The marks for experience and some objective socio-economic criteria are to be allocated as follows:-

- (a) *If no person from among the applicant's father, mother, spouse, brothers, sisters, sons and daughters is, was or has been a regular employee in any Department/Board/Corporation/Company /Statutory Body/Commission authority of Government of Haryana or any other State Government or Government of India.*

(5 marks)

(b) Orphan/Widow:-

- a. *if the applicant is a Widow, or*
- b. *if the applicant is the first or the second child and his father had died before attaining the age of 42 years; or*
- C. *if the applicant is the first or the second child and his father had died before the applicant had attained the age of 15 years.*

(5 marks)

- (c) *If the applicant belongs to such a denotified tribe (Vimukt Jatis and Tapriwas Jatis) or Nomadic tribe of Haryana which is neither a Scheduled Caste nor a Backward Class.*

(5 marks)

- (d) *Experience one-half (=0.5) mark for each year or part thereof exceeding six months of*



experience out of a maximum of 10 years, on the same or a higher post in any Department Board/Corporation/Company/ Statutory Body Commission/ Authority of Government of Haryana. No marks will be awarded for any period less than six months.

(a maximum of 5 marks)

No applicant shall be given more than 10 marks under any circumstances and for the post of Clerk, the State Eligibility Test in Computer Appreciation and Applications shall be mandatory",

As there is no provision in above amendment, regarding how many candidates are required to be called for scrutiny of documents, a question has arisen as to how many candidates should be called for scrutiny of documents and considered for grant of socio-economic marks, as relevant amendment is silent about the Earlier as per the notification same. No.- G.S.R.13/Const./Art.309/2017, dated the 11th August, 2017 the number of candidates to be called for interview were as follows,-

"(iii)

The number of candidate called for interview shall be as under,

- (1) if the number of posts is less than or equal to three, the number of candidates called for interview shall be eight times the number of posts;*



(2) *if the number of posts is from four to ten (both limits inclusive), the number of candidates called for interview shall be thirty;*

(3) *for eleven or more posts, the number of candidates called for interview shall be thrice the number of posts:*

Provided that all the candidates having the same percentage point as the last candidate shall be called for interview."

Now vide notification dated 13th December, 2017, the interviews have been dispensed with, but the number of candidates who are to be called for scrutiny of documents against Group B, C, and D posts needs to be limited as all the candidates, who appeared in written examination, cannot be called for scrutiny of documents and also merit in written examination cannot be allowed to be compromised. Therefore keeping in view all the relevant factors, it is resolved that candidates equal to three times the advertised vacancies in each category be called for scrutiny of documents on basis of marks in written examination. Final merit be prepared on basis of marks in written examination and socio-economic criteria. However it is made clear that all the candidates who have obtained the cut-off marks shall be called for scrutiny of documents.

7. Even though the reply on behalf of the respondents had been filed on 06.01.2022 but yet no rejoinder/replication or counter affidavit has been filed by the petitioner disputing the stand adopted by the respondent-

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Haryana Staff Selection Commission, hence, the factual assertion contained therein remains undisputed. The Counsel for the petitioner has also failed to respond to the above argument during the course of hearing.

8. Hence, the argument of the petitioner having secured more marks than the last candidate on the waiting list cannot be said to be established on record.

9. In light of the above, the petitioner cannot be held to have qualified the written examination to become eligible for being given the weightage of five marks in the socio-economic category. Hence, he is not at a higher pedestal than the last person in the waiting list in the BC-B category who had secured 66 marks in the written examination.

10. The present writ petition is accordingly dismissed.

JANUARY 21, 2025*Vishal Sharma***(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No