



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

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CWP-16130-2023 (O & M)
Date of Decision: 27.02.2025

Shri Ram

.....Petitioner(s)

Versus

Haryana Staff Selection Commission and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Anand Bhardwaj, Advocate,
for the petitioner.

Ms. Dimple Jain, DAG, Haryana.

Mr. Jagbir Malik, Advocate,
for respondent No.2.

Mr. Aditya Yadav, Advocate,
for the applicant.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to respondent to consider his candidature without assigning 5 marks under Socio-Economic criteria.

2. The petitioner, pursuant to Advertisement No.14/2019 dated 26.08.2019, applied for the post of Assistant under Category No.11. The Haryana Staff Selection Commission (in short 'HSSC') by aforesaid advertisement had invited applications for different posts of different departments. There were 28 posts of Assistant with Haryana State Industrial Development Corporation ('HSIDC'). In the advertisement, it was prescribed that there would be 10 marks for Socio-Economic criteria. The aforesaid marks



alongwith certificate duly verified by Tehsildar and undertaking to the effect that he is entitled to 5 marks under Socio-Economic criteria. The respondent conducted verification of documents on 27.01.2022 and thereafter declared final result on 22.03.2022. The petitioner was awarded 5 marks under Socio-Economic criteria. His name could figure in waiting list even without 5 marks under Socio-Economic criteria. The petitioner requested the recruitment agency to consider his candidature without 5 marks under Socio-Economic criteria. The said request was made after declaration of result. The respondent formed an opinion that after declaration of result candidature could not be considered without marks under Socio-Economic criteria. Once he has claimed marks, either he would be entitled to marks or his candidature itself would be cancelled.

3. Mr. Anand Bhardwaj submits that respondent during the pendency of selection process afforded an opportunity to candidates to withdraw their claim *qua* marks under Socio-Economic criteria. In the notice published by respondent, different categories of the same advertisement were jotted down, however, category No.11 where-under petitioner had applied was not incorporated in the notice. Thus, he could not withdraw his claim *qua* Socio-Economic marks. This Court has declared Socio-Economic criteria invalid and judgment of this Court has been upheld by Hon'ble Supreme Court.

4. Ms. Dimple Jain, DAG, Haryana submits that petitioner intentionally claimed 5 marks under Socio-Economic criteria. He was well aware that he is ineligible to said criteria. Nevertheless, he filed eligibility certificate alongwith undertaking with the application form and claimed 5 marks under Socio-Economic criteria. He did not eschew aforesaid marks even at the time of scrutiny of documents. He eschewed 5 marks under Socio-Economic



5. I have heard the arguments and perused the record.
6. From the perusal of record, it is evident that in the advertisement it was provided that there would be 10 marks for Socio-Economic criteria and experience. The allocation of 10 marks was further prescribed. For the ready reference, Clause 2.3(iii) of the advertisement is reproduced as below:-

“2.3 Criteria for Selection, Examination & Syllabus.

xxx

xxx

xxx

(iii) The 10 marks for socio-economic criteria and experience shall be allocated as follows:-

a. if neither the applicant nor any person from among the applicant's family viz father, mother, spouse, brother, and Son 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. if the applicant is:-

(i) a widow, or

(ii) the first or the second child and his father had died before attaining the age of 42 years: or

(iii) the first or the second child and his father had died before the applicant had attained the age of 15 years,".

(5 marks)”

7. As per Clause 2.4 of the advertisement, a person claiming Socio-Economic criteria was required to fill up details of requisite certificate i.e. name of issuing authority, date of issue and reference number. He shall also upload requisite valid original certificate/documents alongwith his application in support of his claim. In the advertisement, it was further provided that if on verification, at any stage, it is found that information furnished is false or



incorrect, candidature will be cancelled. Relevant extracts of Clause 2.4 are reproduced as below:-

“2.4 Regulatory Framework

- 1. Certificate for an applicant whose father has died issued by Tehsildar/Naib Tehsildar: Refer Annexure AI, AII.
- 2. Widow Certificate issued by Tehsildar: Refer Annexure BI, BII
- 3. Vimuktjati and Tapriwasjati Certificate issued by Tehsildar: Refer Saralharyana.gov.in or Antyodaya Saral Centers at distt. Level or Tehsildar office.
- 4. Experience Certificate issued by the concerned Appointing Authority: Refer Annexure D1.
- 5. Self declaration in prescribed format: Refer Annexure E1 to be uploaded application form and brought at the time of Scrutiny.

Note:-

- 1. xxx xxx xxx
- 2. Claim under the socio economic criteria, if any, shall be admissible to those candidates only, who would fill the details of the requisite certificate i.e name of issuing authority, date of issue and reference no. etc. and also upload the requisite valid original certificate/document along with their application in support of their claim failing which, no certification benefits shall be considered after last date of filling online applications,

3 to 15 xxx xxx xxx

16. If on verification at any stage, it is found that any candidate does not fulfill any of the eligibility condition or it is found that the information furnished is false or incorrect, his/her candidature will be cancelled and he/she will also be liable to be criminally prosecuted. This is irrespective of whether the candidate was benefitted in his/her application form that particular eligibility condition or not.”

8. From a perusal of above quoted Clauses of the advertisement, it is quite evident that candidature of an applicant is bound to be cancelled if on verification it is found that he has furnished information which is false or incorrect. The respondent, as per its wisdom, granted opportunity to candidates



to withdraw their claim *qua* Socio-Economic marks. The petitioner is trying to take benefit of the fact that in the notice category of the petitioner was not jotted down though advertisement number was specifically mentioned. The notice whereby applicants were permitted to withdraw their claim was in addition to advertisement. The notice permitted candidates to withdraw their claim despite being eligible. There could be a candidate who was eligible and had claimed benefit in the application form but wanted to withdraw, he was given opportunity to withdraw. The notice whereby applicants were permitted to withdraw their claim of Socio-Economic criteria was over & above and in addition to terms and conditions of the advertisement. This was in the form of an additional opportunity to withdraw the claim. The advertisement was categoric that a person who is ineligible shall not make claim. The petitioner was not eligible still he filed application form claiming benefit of Socio-Economic criteria. He also enclosed certificate issued by Tehsildar which was further supported by undertaking. There was misrepresentation on the part of petitioner. Thus, after declaration of result, he could not claim that he should be permitted to withdraw his claim under Socio-Economic criteria and be considered without 5 marks of said criteria. He made this claim because he was likely to be selected without 5 marks under Socio-Economic criteria. This was dishonest act on his part. He cannot be given advantage of his ill deeds.

9. In the wake of above discussion and findings, instant petition stands dismissed.
10. Pending applications also stand disposed of.

27.02.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No