



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

CWP No.24730-2025 (O&M)

Date of Decision:12.11.2025

Monika Sharma

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Jai Bhagwan Sharma, Advocate
Mr. Ganesh Sharma, Advocate
for the petitioner

Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. On 26.09.2025, the following order was passed by this Court:-

“ On 25.08.2025, the following order
was passed by this Court:-

“ The petitioner through instant
petition under Articles 226/227 of the
Constitution of India is seeking setting aside
of order dated 01.07.2024 (Annexure P-19)
whereby her claim for the post of Female
Constable under EWS Category has been
declined.

The petitioner pursuant to
Advertisement No.4/2020 dated 30.12.2020
applied for the post of constable under EWS
Category. She appeared and cleared written



exam, Physical Screening Test and Physical Measurement Test. She was shortlisted for scrutiny of documents. She was not considered under EWS Category because she submitted EWS Certificate for Government of India jobs. The proforma prescribed for the posts of State Government is different. She further submitted income certificate for the financial year 2021-22 whereas was required to disclose income for the financial year 2019-2020. The respondent has rejected claim of the petitioner under EWS Category on the ground that she did not submit EWS Certificate in the prescribed proforma. She has violated Rule 9 (b) of Punjab Police (Haryana Amended) Rule, 2018. The said Rule reads as:

"Claim of reservation benefit and/or relaxation etc., if any, shall be admissible to those candidates only, who submit the requisite valid original certificate for scrutiny alongwith their application in support of their claim failing which, they will be considered under general category provided they are otherwise eligible. Information in this regard will be displayed on official website of the Haryana Staff Selection Commission."

Learned counsel representing the petitioner submits that petitioner had applied for EWS Certificate to jurisdictional authority. It was mistake, if any, on the part of authority which had issued certificate for



jobs of Government of India. The petitioner had not disclosed that her family income is less than Rs.8,00,000/- whereas exact income was disclosed which was even less than Rs.1,00,000/-.

Learned State counsel seeks short accommodation to ascertain whether petitioner had applied to competent authority for EWS Certificate for Government of India jobs or State Government jobs.

The petitioner shall also place on record application form along with documents filed before Competent Authority for seeking EWS Certificate.

Adjourned to 26.09.2025.”

2. The petitioner has placed on record application form filed at the time of issuance of EWS Certificate. She has also placed on record report of Halqa Patwari.

3. Faced with this learned State Counsel seeks time to file affidavit to the effect that how difference is made by authorities while issuing EWS Certificate qua jobs for Union of India and State of Haryana.

4. Adjourned to 03.11.2025.”

2. The respondent-Tehsildar Bhiwani has filed affidavit dated 02.11.2025 explaining complete procedure prescribed for seeking EWS Certificate. He has placed on record application form filed by petitioner. The petitioner herself uploaded her particulars on the Online portal. The application form was received on 01.02.2021. In the application, she has categorically disclosed that application is for the certificate meant for ‘Central’. In the application, there was particular column i.e. ‘Certificate Format’. The petitioner either could opt for ‘State’ or ‘Central’. The



petitioner opted for 'Central', thus, respondent issued certificate meant for jobs of Union of India. The petitioner has subsequently applied for the certificate of 'State'.

3. A two Judge Bench of Hon'ble Supreme Court in '**Mohit v. State of Uttar Pradesh**', **2025 SCC Online SC 1125** 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



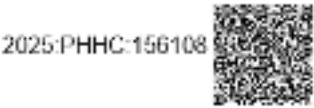
Welfare, West Bengal as a competent authority to issue the certificate. Therefore, the Commission was justified in not placing reliance on the certificate issued by the Director, Backward Class Welfare, West Bengal. ...”.

(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.”

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



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

6. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.11.2025
paramjit

Whether speaking/reasoned:	Yes
Whether reportable:	Yes