



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

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CWP-34127-2024
Date of Decision: 13.01.2025

Akash Kumar

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Shokeen Singh Verma, Advocate,
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 26.11.2024 (Annexure P-8) whereby respondent has cancelled his appointment on the ground that he was wrongly awarded 5 marks as socio-economic backward.

2. The petitioner pursuant to an advertisement applied for the post of Constable (General Duty) in the State of Haryana. He in his application claimed 5 marks on the basis of socio-economic criteria. As per terms and conditions of the advertisement as well as State Policy, a candidate is entitled to weightage of 5 marks under socio-economic criteria if neither of his father, mother, spouse, brother, son is/was or has been a regular employee in any department/Board/Corporation/Company/Statutory/Body/Commission/authority



India. The petitioner came to be selected. He was extended 5 marks weightage on the basis of socio-economic criteria. The respondent after issuing appointment letter conducted inquiry to ascertain claim of petitioner *qua* socio-economic criteria. In the inquiry, it was found that father of petitioner joined Indian Army on 12.12.1994 and served till 26.06.2002. He was removed from service by Court Martial. On the basis of report, the Selection Commission formed an opinion that appointment letter should be withdrawn. On the basis of recommendation of Selection Commission, the respondent/Commandant, 3rd Battalion, HAP, Hisar passed impugned order dated 26.11.2024 (Annexure P-8) whereby appointment letter of the petitioner has been cancelled.

3. Notice of motion.

4. Ms. Rajni Gupta, Addl. A.G., Haryana who on advance notice is present in Court, accepts notice on behalf of the respondents-State and waives service.

5. With consent of learned counsel for the parties, the case is taken up for final disposal.

6. Mr. Shokeen Singh Verma, counsel for the petitioner submits that father of petitioner was removed from service in 2002 and family did not get pension or other terminal benefits. Thus, petitioner falls within criteria of socio-economic backward. He is entitled to weightage and respondent has wrongly cancelled his appointment letter.

7. In the advertisement No.4 dated 30.12.2020 issued by Haryana Staff Selection Commission, there was provision for weightage of 5 marks. The weightage was available to candidates belonging to socio-economic backward

class. The condition jotted down in the advertisement reads as:-



“(i) “Five (05) marks shall be given if neither the applicant nor any person from among the applicant's 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.”

8. The petitioner is not disputing the fact that his father served Indian Army w.e.f. 12.12.1994 to 26.06.2002. He was removed from service by Court Martial. The condition incorporated in the advertisement categorically and unambiguously mandates that no family member is/was or has been in service. Concededly, father of petitioner remained in government service from 1994 to 2002 and there is nothing in the advertisement or State Policy extending benefit of weightage to those candidates whose family member, though joined government job but was thereafter terminated. This Court cannot make any addition or deletion in the advertisement. The petitioner knowingly and wrongly availed benefit of socio-economic criteria. The respondent has withdrawn the said benefit. On account of withdrawal of said benefit, his appointment letter was liable to be withdrawn and rightly has been withdrawn.

9. Dismissed.

13.01.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No