



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

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CWP-35338-2024

Date of decision: 06.02.2025

SANDESH KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. Tarun K. Sharma, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The petitioner has approached this Court for raising a challenge to the impugned order dated 20.01.2023 issued by respondent No.3-Director General Health Services, Haryana.

2. Learned Counsel appearing on behalf of the petitioner contends that the respondent-Haryana Staff Selection Commission had issued an advertisement for various posts vide Advertisement No. 15/2019 including Lab Technician in the Department of Health in BC-B category. The petitioner being eligible, duly applied for the same. He contends that as per the scheme of the examination, a written test was to be held comprising of 90 marks and 10 marks had been kept for socio-economic criteria of which



05 marks had been allocated for a person who had no family member in a Government job while a maximum of 05 marks had been prescribed for the experience. He contends that on account of an inadvertence, the petitioner claimed marks under the socio-economic criteria. It is stated that the respondent-Haryana Staff Selection Commission thereafter issued a public notice on 22.12.2021, affording an opportunity to the candidates to rectify any mistake that may have occurred in the filling up of the forms including claiming benefits under the socio-economic criteria. The requisite hard copies were required to be submitted in the Parade Ground, Sector-5, Panchkula from 27.12.2021 to 31.12.2021.

3. In compliance thereto, the petitioner submitted an undertaking on 27.12.2021 to the representatives of the respondent-Haryana Staff Selection Commission specifically pointing out that he had inadvertently applied for seeking benefit under the socio-economic criteria while applying for the post and that he may be permitted to withdraw his claim for marks under the socio-economic criteria under the said Head. Thereafter, the final result was published by the respondents-Haryana Staff Selection Commission. In the list of selected candidates that were awarded marks in the socio-economic criteria published by the respondent-Haryana Staff Selection Commission, the petitioner was shown as a selected candidate against Roll No. 24022703. He noticed that five marks under the socio-economic criteria for no family member being in the Government job had been inadvertently granted to him. Noticing the said error, the petitioner submitted another representation to the Staff Selection Commission,



Haryana giving specific detail that he had already submitted an undertaking on 27.12.2021 to withdraw the marks obtained on the socio-economic basis and that the result in this regard may be corrected. He contends that the petitioner is even otherwise qualified on his own being above the cut off and without being granted the benefit of 05 marks under the socio-economic criteria for the government job. It is submitted that notwithstanding the said representation having been submitted again in the year 2022, the necessary correction was not carried out. He submits that as a result thereof, vide order dated 16.01.2023 and endorsed on 20.01.2023, the respondents have withdrawn the recommendation of the petitioner on the allegation of furnishing wrong/false information to the Commission regarding socio-economic criteria for the post of Laboratory technician against advertisement No. 15 of 2019. It is vehemently argued that the petitioner thereafter submitted a detailed representation to the respondents-Haryana Staff Selection Commission, during seriatim dates on which he had submitted the request before the authorities about carrying out the rectification and withdrawing the claim under the norms of the government job as per the socio-economic criteria. As no action was taken, legal notice was sent by him on 22.09.2024. He submits that no decision has been taken by the respondents and that the petitioner has been denied the benefit of appointment despite being higher in order of merit as compared to the other persons who have been recommended. He submits that he would be satisfied at this juncture in case the respondents are directed to decide the legal notice dated 22.09.2024 submitted by the petitioner in a time bound manner.



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4. Notice of motion.
5. Ms. Tanisha Peshawaria, DAG, Haryana appears on behalf of the respondents and submits she has no objection to the aforesaid prayer being granted.
6. Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and respondent No.2- Secretary, Haryana Staff Selection Commission, Panchkula, Haryana, is directed to take a decision on the same and in the event of the claim of the petitioner being accepted, make a revised recommendation on the strength thereof and to pass a reasoned and speaking order thereupon in accordance with law preferably within a period of **three months** from the date of receipt of certified copy of this order.
7. Needless to mention that in the event of the petitioner succeeding and a revised recommendation being made by the Haryana Staff Selection Commission, the Director General Health Services, Haryana shall take appropriate action preferably within a further period of **one month**.

(VINOD S. BHARDWAJ)

JUDGE

FEBRUARY 06, 2025

Vishal Sharma

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