



CWP No.36709 of 2025

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

**CWP No.36709 of 2025
Date of Decision:19.12.2025**

Gaurav Barak**....Petitioner**

vs.

State of Haryana and others**....Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Mazlish Khan, Advocate
for the petitioner

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

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 17.12.2024 (Annexure P-11) whereby respondent has cancelled his EWS Certificate. He is further seeking setting aside of show cause notice dated 25.11.2025 (Annexure P-7) whereby he has been called upon to show cause as to why his provisional appointment order should not be cancelled.

2. The petitioner pursuant to Advertisement No.4/2020 dated 30.12.2020 applied for the post of Constable. He cleared all the stages and was issued appointment letter dated 13.08.2023. He had applied under the EWS Category. He had submitted EWS Certificate dated 31.08.2020. The respondent - Tehsildar conducted inquiry and vide report dated 14.11.2024

concluded that petitioner has obtained EWS Certificate by concealing facts



and submitting incorrect reports. The petitioner preferred *CWP-1545-2025* before this Court which came to be dismissed vide order dated 21.01.2025, however, he was granted liberty to approach Deputy Commissioner by making an apposite representation. He preferred representation to Deputy Commissioner who vide order dated 17.12.2024 had already cancelled his EWS Certificate. The respondent-Tehsildar submitted another Inquiry Report dated 07.08.2025 wherein it was reported that petitioner's father owned a 206 square yards house in Model Town, Rohtak at the time of issuance of EWS Certificate, thus, petitioner did not meet criteria for EWS Certificate. The petitioner's grandmother filed civil suit for permanent injunction against her son (petitioner's father). Learned Civil Judge (Junior Division), Rohtak passed award dated 08.03.2025 in Lok Adalat in terms of compromise executed between the parties.

3. Learned counsel for the petitioner submits that house in question was originally owned by petitioner's grandmother. His grandmother transferred said house in favour of her son (petitioner's father). There were other family members who were entitled to share in the said house. No partition had taken place. Petitioner's grandmother filed civil suit seeking re-transfer of said house in her name. Civil Court vide order dated 08.03.2025 allowed the suit, resultantly, house in question stands transferred to petitioner's grandmother. A Coordinate Bench of this Court has issued notice in *CWP-34199-2024* involving identical issue. The Court has further stayed operation of impugned order.

4. I have heard learned counsel for the parties and perused the record with their able assistance.



5. From the perusal of record, it is evident that at the time of issuance of subjected EWS Certificate, House No.116-R comprising 206 square yards was in the name of petitioner's father. As per applicable policy, petitioner could not be issued said certificate. The Revenue Authorities examined the record and thereafter concluded that certificate was obtained by concealing actual facts and figures. The petitioner at this stage is claiming that house was actually owned by his grandmother and it was transferred in his father's name under unavoidable circumstances. As per award dated 08.03.2025 passed by Civil Court, house stands transferred to petitioner's grandmother, thus, petitioner is entitled to EWS Certificate. There was no partition of the house at the relevant point of time, thus, it would not be concluded that house was owned by petitioner's father. Contentions of the petitioner are misconceived and cannot be countenanced because financial position has to be considered at the time of issuance of certificate. Concededly, house in question was in the name of petitioner's father at the time of issuance of EWS certificate. It is further apposite to notice that house was in the name of petitioner's father at the time of issuance of appointment letter by competent authority. The house has been re-transferred in the name of petitioner's grandmother after cancellation of EWS Certificate. On account of re-transfer of house in the name of petitioner's grandmother, petitioner may be eligible for fresh EWS Certificate, however, cannot claim that he was rightly issued EWS Certificate at the time of filing application for the post of Constable.

6. The petitioner at this stage claims that his marks are more than last selected candidate under general category, thus, he was eligible for the



post under general category. He may point out this fact to Recruitment Board or any other competent authority which may consider petitioner’s claim subject to availability of post and law in force.

7. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

19.12.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No