



CWP-15982-2024

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

Serial No. 283

CWP-15982-2024

Decided on: 27.04.2026

Sunita Devi

. . . Petitioner

Versus

Haryana Staff Selection Commission and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rajat Mor, Advocate and
Mr. Vishesh Dhaka, Advocate
for the petitioner.

Mr. Parveen Mehta, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 01.04.2024, Annexure P-18, whereby the petitioner's candidature for the post of Electrician Instructor (Practical), Category 35, under Economically Weaker Section (EWS) category, against advertisement 12/2019, has been cancelled on the ground that she wrongly claimed marks in socio-economic criteria by mentioning - neither the petitioner nor any person in her family was or has been a regular employee in any Department/Board, Corporation etc. of the Government of Haryana.

2. Learned counsel contended that the petitioner was successful in selection for the post aforementioned and was recommended for appointment under EWS category vide final result dated 27.10.2022, Annexure P-9. The last recommended candidate under this category secured thirty-nine marks. As



per detailed result announced by the Commission vide announcement, Annexure P-10, the petitioner having roll no. 1219002577, secured forty-two marks in the written test and five marks under socio-economic criteria, making it forty-seven in total. She was however not offered the appointment, and her candidature was cancelled on the ground of wrongly claiming five marks under socio-economic criteria as her father was in military service and retired fifteen years prior to the last date of submission of the application forms for the post.

2.1 The fact regarding her father's employment has not been disputed by the petitioner. Her case however is, while filling up the application form, she was under the impression that being a married woman, family for her would be her in-laws' family and none of whom was in government job; thus, she claimed marks under socio-economic criteria. It was a *bona fide* mistake and needed to be rectified. Even otherwise, if marks of socio-economic criteria are to be excluded, she still is within merit as she has secured forty-two marks against the last selected candidate under EWS category, who has secured thirty-nine marks.

2.2. Still further, learned counsel contended that the Commission had issued public notices which are collectively appended to the petition as Annexure P-6, providing opportunity to the candidates to withdraw the benefit of socio-economic marks under 'No Government job in family' in case any wrong information had been furnished by them. However, no such notice was issued with respect to the category the petitioner had applied under, i.e., category 35. Accordingly, she had no chance to correct this inadvertent mistake at that stage. In similar circumstances, this Court has allowed the



petition filed by another candidate, CWP-4199-2023, titled *Sunil Kumar v. Haryana Staff Selection Commission*, directing the Commission to recommend him for appointment on merit.

3. *Per contra*, learned State counsel contended that the benefit cannot be claimed as the petitioner participated in the selection process as EWS category candidate and even at the time of scrutiny of documents, she submitted an undertaking dated 03.03.2022, Annexure R-1, claiming marks under socio-economic criteria. The undertaking also mentioned that in case the information provided by her for claiming the marks is found to be false at any stage, her service can be terminated on the ground of furnishing wrong information. Further, only after declaration of final result and realising that she would be within merit even by excluding the marks of socio-economic criteria, she sought withdrawal of those marks by submitting a representation on 23.11.2022, Annexure P-11, which could not be accepted. He, however, is not in a position to dispute that other candidates were given an opportunity to withdraw the marks wrongly claimed by them under socio-economic criteria by issuing the notices aforementioned, but no such notice was issued with respect to category 35.

4. Submissions made by learned counsel for the parties have been considered.

5. It is apparent on record that the petitioner participated in the selection process and remained successful. The only reason for not offering her the appointment and cancelling her candidature is wrong information provided by her regarding government employment to any family member to claim five marks under socio-economic criteria. The petitioner submits that



due to inadvertence she claimed the said benefit, and was not permitted to withdraw the wrong information as the Commission did permit in the case of other similarly placed candidates pursuant to the advertisement in question. It is a conceded position on record that the Commission selectively issued public notices asking the candidates belonging to other categories of posts to withdraw the claim regarding socio-economic criteria in case any wrong information had been given by them while filling up the application form. There is no explanation as to why an exception has been made with respect to category 35, wherein the petitioner's candidature falls. It can also not be lost sight of that even by excluding the marks of socio-economic criteria, the petitioner falls within merit, as her remaining score of forty-two marks is higher than that of the last selected candidate which is thirty-nine. Cancelling the petitioner's candidature in these circumstances is discriminatory.

6. The issue has already been considered by this Court in *Sunil Kumar* case (*supra*), wherein the petitioner approached this Court with similar grievance of wrongly claiming marks under socio-economic criteria and not being permitted to withdraw the benefit claimed, though the Commission permitted other category candidates to do so by issuing public notices. The petition was allowed by observing as under:

6. Undisputed facts on record are, the petitioner applied for the post under the EWS category and secured forty-eight marks during the process of selection. On the strength of his merit, he was selected against EWS category post as well, and the person next in merit, who secured forty marks, was placed in the waiting list, as per the final result of selection dated 27.05.2022. The petitioner claimed marks under the Socio-economic criteria by filling up the application form, statedly on account of an



inadvertent mistake. Such mistakes were committed by other candidates as well, who had applied under different categories of posts in response to the advertisement in question. All such candidates were afforded the opportunity to withdraw the benefit wrongly claimed by them under the criteria vide public notices. However, for no reason such an opportunity was not afforded to candidates who applied in the category 55, like the petitioner; the fact has not been disputed by the respondents. Had the petitioner been given the opportunity to withdraw the benefit and would not have done so, the respondents could have cancelled his candidature for furnishing false information. This is not the case, as concededly no opportunity was afforded to him ever to withdraw the claim for marks under the criteria, inadvertently made by him. This is a double whammy against the petitioner; firstly, he was deprived of the opportunity to withdraw marks under the criteria as afforded to all other candidates; secondly, his candidature has been cancelled only because he wrongly claimed marks under Socio-economic criteria by furnishing false information. This is patently arbitrary and discriminatory. The respondents, accordingly, cannot be permitted to reject the petitioner's candidature and/or refuse to select and recommend him for appointment against the post on merit. Further, even if five marks under Socio-economic criteria are deducted from forty-eight marks secured by him in the selection, still he secures a place for himself on merit as the candidate placed in the waiting list has secured forty marks.

7. It also needs a mention that during pendency of the petition, vide order dated 15.07.2024, the Department was directed to keep one post of Electrician Instructor (Practical) under EWS category vacant.

7. In view of the discussion, the petition is allowed and the impugned order dated 01.04.2024 is set aside. The Department is directed to

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the post which has been kept vacant, subject to her fulfilling other requirements as per the rules, from the date other selected candidates pursuant to the advertisement in question have been appointed. She shall be entitled to all service benefits notionally from the date of appointment and actually from the date of joining the service. These directions shall be carried out by the respondents within a period of four weeks of receiving a certified copy of the order.

27.04.2026*Mehak***(TRIBHUVAN DAHIYA)
JUDGE***Whether reasoned/speaking? Yes/No**Whether reportable? Yes/No*