



CWP-26712-2023

-1-

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

Serial No.258

CWP-26712-2023

Decided on:12.05.2026

Sunita Kumari

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sukhraj Singh Brar, Advocate
for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 25.08.2023, whereby the petitioner's candidature for the post of Electrician Instructor Theory, category 23, against advertisement 12/2019 has been rejected.

2. Learned counsel for the petitioner contended that the ground of rejecting the petitioner's candidature, that she had wrongly claimed five marks under the socio-economic criteria while applying for the post in question, was not in accordance with law laid down by the Supreme Court in *Vashist Narayan Kumar v. The State of Bihar and others*, 2024 AIR (Supreme Court) 248. The petitioner, being a married woman, had claimed the marks on the assumption that 'family' for her would be her in-laws family and none of that family members was in Government service at the relevant time, which was



the requirement to claim the benefit. This was a *bona fide* trivial mistake, and should be allowed to be corrected.

3. *Per contra*, learned State counsel contends that the petitioner's claim is not admissible as she wrongly claimed marks under socio-economic criteria. It was found by the Document Scrutiny Committee constituted by the Department to verify her particulars, after she had been recommended for appointment by the respondent Commission. The Committee also noted that the Commission had provided opportunity to the candidates who had wrongly claimed marks under socio-economic criteria, to withdraw the same. However, the petitioner failed to do so. When she was duly asked to respond to the objections regarding her candidature, she could not explain the situation, nor dispute the fact that her father served in the Indian Army at the relevant time. It was also noticed that she had given an undertaking that in case the information furnished by her was found to be wrong at any stage, not only her service could be terminated on that ground, a criminal action could also be initiated for providing wrong/false information. Accordingly, no exception can be taken to the impugned order rejecting her candidature.

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

5. It is apparent on record that the petitioner wrongly claimed five marks under socio-economic criteria during the selection process. Also, she failed to withdraw the wrongly claimed marks despite an opportunity having been given by the Commission for the purpose by issuing public notice dated 22.12.2021. When she was asked to explain by the Committee as to why the marks were wrongly claimed by her, she had no answer. Her representation,



dated 24.03.2023, Annexure P-4, seeking permission to withdraw the said marks could not have been considered by the Commission since it had been submitted long after conclusion of the selection by declaration of final result on 21.10.2022. Still further, the marks under socio-economic criteria can be claimed only on the following grounds, as mentioned in paragraph 2.3 (iii) of the advertisement which reads as under:

2.3 Criteria for Selection, Examination and Syllabus.

(iii) The 10 marks for socio-economic criteria and experience shall be allocated as follows:

- a. if neither the applicant nor any person from among the applicant's family viz 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.

(5 marks)

Apparently, the requirement is that no person from the applicant's family, i.e., father, mother, spouse, brother and son is or has been a regular employee with the Government or its Board or Corporation. There is no mention of in-laws, and therefore there was no basis for the petitioner to assume that she was required to furnish information concerning her in-laws family to claim five marks under socio-economic criteria. The judgment in *Vashist Narayan Kumar* case (*supra*) is of no relevance so far as the instant case is concerned, as therein the candidate had wrongly mentioned her date of birth in the application form, though the correct date of birth was already with the Commission in the form of certificates submitted along with the application.

This error was considered insignificant as it had no bearing on the selection

**CWP-26712-2023****-4-**

in question. Such a situation does not arise in the instant case, as discussed hereinbefore.

6. In view thereof, there is no merit in the petition and it stands dismissed.

12.05.2026*Mehak***(TRIBHUVAN DAHIYA)
JUDGE**

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No