



101 **LPA-1037-2023 (O&M)**

Haryana Staff Selection Commission, Panchkula
Vs.
Rahul and another

Present:- Mr. Baldev Raj Mahajan, Advocate General Haryana with
 Mr. Vivek Saini, Addl. AG, Haryana and
 Ms. Shruti Jain Goyal, Sr. DAG, Haryana.

This matter has been listed today on a Saturday on account of the mentioning made before Hon'ble the Chief Justice yesterday, on account of the urgency in the matter since the learned Single Judge vide the judgment under consideration dated 04.08.2023 has directed that the examination which is to be held today and tomorrow i.e. on 05.08.2023 and 06.08.2023 shall not be held as it would cause prejudice to the candidates/petitioners and that the same should be held after the revised merit list of the Common Eligibility Test (CET) is published in terms of the said judgment.

We are firstly informed and as per the grounds of appeal as well, that in the CET examination which was held on 05/06.11.2022, as many as 7,73,000 candidates had appeared out of which 3,58,000 qualified the same, since there was a cut-off of 50% for General Category and 40% for the Reserved Category.

The reasoning primarily which has weighed with the learned Single Judge while passing the judgment under consideration is that candidates who had withdrawn their claim for Socio-Economic Criteria were still being called to sit in the written examination and proper verification had not been done. The learned Single Judge, thus, came to the conclusion that the zone of consideration was being restricted, since four times of the persons were to be called, if the posts are more than 40 and thus ineligible persons

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were occupying the field of consideration for the written examination which has now been stayed by the judgment under consideration.

Mr. Mahajan has pointed out that out of 3,58,000 candidates who had qualified, 2,68,000 had claimed marks in Socio-Economic Criteria as per the notification dated 05.05.2022. On account of the public notices being issued since the said criteria could go up to the marks of 5% and which is based on various factors i.e. (i) A family member not being employed by the Government; (ii) Gross annual income of the family being less than ₹ 1,80,000/- (iii) Being member of a de-notified tribe and (iv) Experience Certificate having worked with any Department/Board/Corporation etc., it is, submitted that as many as 41587 candidates had withdrawn their claim under the Socio-Economic Criteria. It is further submitted that the dispute as such arose regarding Group 56 and 57 selection and there are as many as 63 groups vide which various types of posts are to be filled up on the basis of the result of CET. 6419 posts were advertised for Group-56 on 07.03.2023 (Annexure P-5) and 5697 posts for Group-57, were advertised.

In sum and substance, it is submitted that for Group-57 in question, 37,657 candidates were to sit in the examination today, whereas 30,704 candidates would be sitting for Group-56 tomorrow and a total of 68,361 candidates have to appear in the written examination/skill test on the weekend. It is, accordingly, pointed out that as per the advertisement (Annexure P-5) the skill test would also consist of 100 marks out of which the written examination would be of 97.5% and the Socio-Economic Criteria would be reduced to 2.5%. It is the case of the learned Advocate General that in pursuance of the CET examination held, the result was put in public domain and the candidates were made aware of their marks obtained in CET. As

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mentioned above, 41,587 candidates had withdrawn their claims voluntarily and, therefore, the apprehension that the result had not been put in public domain which weighed with the learned Single Judge would not be correct.

Reference is made to the result dated 24.07.2023 (Annexure P-11) also wherein the revised result was put in public domain and on the same day a statement had also been made before the learned Single Judge in Civil Writ Petition No. 13370 of 2023 that the revised final result of the CET would be declared within a period of 2-3 weeks'. It is explained that the process was already underway when State counsel had made a statement as such.

It is the case of the State that when such large number of candidates are involved, the benefit being claimed under the Socio-Economic Criteria cannot be verified at this point of time and there are sufficient safeguards as such that the same would be done at the final stage and also at the subsequent point of time, in case it came to light that any candidate had wrongly claimed the criteria, the same would be void. Reference is made to Clause 10 of the important guidelines (page No.116) that any candidate who does not fulfill any of eligibility condition or it is found that the information furnished is false or incorrect, his/her candidature would be cancelled and he/she would also be liable to be criminally prosecuted. The same would be irrespective of whether the candidate had benefitted from that particular false/incorrect information.

It is, thus, submitted that the principle of weeding out which has been incorporated by the learned Single Judge at this stage would be humanly not feasible. It was pointed out that the result of CET examination is to be valid for a period of three years and the candidates who are qualified and get the minimum marks would always be eligible for consideration in the next



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round of posts advertised and, therefore, no prejudice would be caused to them. It was further contended that without pleadings having been completed the conclusion could not have been arrived upon.

Notice of motion be issued to the respondent for 01.09.2023.

In the meantime, the examination slated for the weekend i.e. today and tomorrow (or any other date so fixed by the appellant, as exam fixed for today is stated to have been postponed) shall continue, however, the result shall not be declared and shall be subject to the final decision of the present appeal.

Copy of this order be given to State Counsel under the signatures of Bench Secretary.

(G.S. SANDHAWALIA)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

August 05, 2023
Naveen