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

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**CWP-8875-2022 (O&M).
Date of Decision: 17.03.2025.**

SHEETAL

... Petitioner(s)

Versus

**HARYANA STAFF SELECTION COMMISSION, PANCHKULA
THROUGH ITS SECRETARY.**

... Respondent(s)

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

Present: Mr. Ravinder Singh Dhull, Advocate, and
Mr. Navnit Sharma, Advocate,
for the petitioner.

Mr. Rahul Dev, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Challenging the final result dated 10.04.2022 vide which the name of the petitioner has not been recommended in the recruitment of Staff Nurse (Category 10 and 19) by not granting 05 marks under the socio-economic criteria, the petitioner has approached this Court.

2 Learned counsel appearing on behalf of the petitioner contends that the petitioner had applied under the EWS category pursuant to the Advt. No.15/2019 dated 07.09.2019 for the post of Staff Nurse (Category 10 and Category 19). The Final result was declared on 10.04.2022 but the name of the petitioner did not figure despite the petitioner clearing the test. On an

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enquiry, it transpired that the petitioner has not been assigned the benefit of 05 marks under the fatherless category notwithstanding that the father of the petitioner died at the age of 36 years i.e. less than 42 years of age and the petitioner was only 11 years old at that time. Hence, she was eligible for the allocation of 05 marks under the socio-economic category as per Clause 2.3 (b) (ii) and (iii) of the Advertisement No.15/2019 dated 07.09.2019. He submits that in the event the benefit of said marks was extended to the petitioner, she would have come higher in the merit than the last candidate recommended by the respondents for the said category. He submits that the controversy involved in the present case has already been considered by this Court in a catena of judgments including in the matter of *Jaimeet Vs. Haryana Staff Selection Commission, CWP No.12283 of 2022 and Sumit Vs. Haryana Staff Selection Commission, CWP No.12213 of 2023 decided on 20.05.2024.*

3 Learned State counsel does not dispute so far as the applicability of the aforesaid judgment is concerned, however, he contends that as per the averments contained in the reply, the petitioner had not mentioned, in the application form, as to whether she was the first or the second child, and as such, her name has not been recommended.

4 Learned counsel for the petitioner refers to the application form that was submitted by the petitioner as per which she has specifically mentioned 'YES' to the question "**Whether You are: - The first or the second child and his father had died before the applicant had attained the age of 15 years?**" He thus submits that option had already been given

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and that the ratio of the aforesaid judgments in the matter of *Jaimeet and Sumit (supra)*, would be applicable to the facts of the case of the petitioner. It is further claimed by the counsel for the petitioner that the waiting list regarding the relevant category was at the cut off of 49 marks. The petitioner had been assigned 44 marks in the examination and in the event 05 marks had been granted to the petitioner, she would have secured 49 marks and would thus fall within the cut off.

5 In view of the aforesaid factual and legal aspects, the present petition is allowed. The final result dated 10.04.2022 is ordered to be modified and the petitioner be kept in the waiting list for the Staff Nurse Category 10 and 19.

March 17, 2025.
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No